

28 AUGUST 1947

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1903	3028		Affidavit of MIYAMA, Yuzo		27041
626A-11	3029		Interrogation of TOJO, Hideki, dated 11 March 1946		27060
164	3030		Affidavit of IIMURA, Minoru		27066
592	3031		Chart depicting the entire Japanese Military Organization in December 1941		27077
626A-1	3032		Excerpt from Interrogation of TOJO, Hideki, dated 30 January 1946		27082
626A-8	3033		Excerpt from Interrogation of TOJO, Hideki, dated 13 March 1946		27085
1501	3034		Affidavit of Alfred F. Kretschmer		27091
2131	3035		Formal Agreement Between Thailand and Japan of an Offensive and De- fensive Alliance		27095
1665	3036		Affidavit of AKANE, Kazuo		27098
1666	3037		Affidavit of YAMAMOTO, Yoshio		27103
			<u>AFTERNOON RECESS</u>		27108
2295	3038		Deposition of MIYAMA, Yozo		27112

28 AUGUST 1947

I N D E X
of
WITNESSES
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
YAMAMOTO, Yoshio	27102
Direct by Mr. Blewett	27102
(Witness excused)	27111
MATSUMOTO, Shun-Ichi	27129
Direct by Mr. Freeman	27129

28 AUGUST 1947

I N D E X
of
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
TANAKA, Shinichi (resumed)	27014
Direct (cont'd) by Mr. Blewett	27014
Direct by Mr. SHIMANOCHI	27037
(Witness excused)	27039
MIYAMA, Yuzo	27040
Direct by Mr. Blewett	27040
Direct by Mr. T. OKAMOTO	27047
Cross by Mr. Tavenner	27047
Questions by the President of the Tribunal, Sir William Webb	27048
<u>MORNING RECESS</u>	27049
Direct (cont'd) by Mr. Blewett	27050
Cross (cont'd) by Mr. Tavenner	27055
(Witness excused)	27060
IIMURA, Minoru	27066
Direct by Mr. Blewett	27066
Cross by Brigadier Quilliam	27071
<u>NOON RECESS</u>	27073
(Witness excused)	27077
AKANE, Kazuo	27098
Direct by Mr. Blewett	27098
(Witness excused)	27101

28 AUGUST 1947

INDEX

of

EXHIBITS

(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
"A"	3038-A		Secret-Great-Diary of the War Ministry, 1931, Vol. I	27112	
"B"	3038-B		Secret-Great-Diary of the War Ministry, 1931, Vol. VI	27113	
"C"	3038-C		File of Permanent Records of the War Ministry, 1931, Otsu, Section 3	27113	
"D"	3038-D		Item No. 379 (1 bundle) according to the number given by the Washington Document Center entitled "Army-Asia-Great-Secret-Diary, 1942, Vol. V"	27114	
"E"	3038-E		Manchuria-Incoming-Great-Diary Ordinary of the War Ministry, 1931, Parts I and III	27114	
"F"	3038-F		Ditto	27114	
"G"	3038-G		Manchuria-Secret-Great-Diary of the War Ministry, 1931, Vol. I	27114	
"H"	3038-H		Secret-Great-Diary of the War Ministry, 1931, Vol. II	27115	
"I"	3038-I		Secret-Great-Diary of the War Ministry, 1931, Vol. III	27115	
"J"	3038-J		Secret-Great-Diary of the War Ministry, 1931, Vol. V	27115	

28 AUGUST 1947

I N D E X

of

EXHIBITS

(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidenc</u>
1083	3039		Affidavit of MATSUMOTO, Shun-Ichi		27132

1 Thursday, 28 August 1947

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with
14 the exception of: HONORABLE JUSTICE I. M. ZARYANOV,
15 Member from the USSR., not sitting from 0930 to 1600.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 - - -

19 (English to Japanese and Japanese
20 to English interpretation was made by the
21 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Blewett.

4 S H I N I C H I T A N A K A, resumed the stand and
5 testified through Japanese interpreters as follows:

6 DIRECT EXAMINATION

7 MR. BLEWETT: I had reach page 13, if the
8 Tribunal please, of the affidavit at the top of the
9 page:

10 "2. In comparing the decision of 2 July and
11 that of 6 September there are differences in the
12 fundamental points. (a) With respect to what might
13 be the cause for conflict between Japan and the United
14 States and Great Britain the earlier decision was
15 limited to the problem of Siam and French Indo-China,
16 especially the latter, where as the later decision
17 reflects the fact that the area and actuality of friction
18 between Japan and the United States and Great Britain
19 have become greatly enlarged and far more serious as
20 a result of the American-British-Dutch offensive
21 against Japan, the embargo and the situation with regard
22 to the resilience of Japanese national strength. In
23 other words, Japan was to demand by sheer force of
24 circumstances that the United States and Great Britain
25 refrain from interfering in and obstructing the

1 solution of China Incident, and from threatening
2 Japan's national defense, and offer their cooperation
3 in acquiring raw materials. She further was to de-
4 mand of the United States and Great Britain recogni-
5 tion of the special relations between Japan and
6 French Indo-China, the non-establishment of military
7 interests in Siam, the Netherland East Indies, China
8 and the Soviet Far East, and confirmation that there
9 will be no military reinforcements in the Far East.
10 Moreover, the later decision also provided that Japan
11 naturally would agree to concessions to a considerable
12 degree in return for the foregoing demands.

13 "(b) Should by any chance military operations
14 be undertaken under the earlier decision, the objective
15 was to carry out measures concerning French Indo-China,
16 while in the later case, the nation's self-preservation
17 and self-defense would be the motive.

18 "(c) Whereas the former decision considered
19 French Indo-China as essentially the center of the
20 area of operations, the area of operations under the
21 latter would expand widely.

22 "(d) Accordingly, it is only natural that
23 there should be differences in the strategical concept.

24 "(e) The situation regarding the strategic
25 material, oil, is completely different from what it was

1 at the time of the July decision. Now the much feared
2 danger signal that our national defense would be render-
3 ed powerless can be seen in this single item.

4 "3. As this decision on national policy is a
5 demand for acceleration of operational preparations
6 directed toward the South, the General Staff is re-
7 quired urgently to complete the actual plan on an over-
8 all basis. In connection with operational preparations
9 the fixed annual peacetime plan and the supplementation
10 made after 2 July shall be further accelerated and
11 perfected. In addition necessary operational prepara-
12 tions shall be begun anew. The Supreme Command feels
13 especially the need for a deep reconsideration of the
14 fact that the annual plan for the year 1941 is in-
15 sufficient, incomplete and impractical and the
16 accompanying preparations for defense betrays weakness
17 and lack of thoroughness. In view of the situation,
18 the chief of the General Staff has given directions to
19 the Vice-Chief and the Chief of the First Division on
20 the following matter as an operational formula to be
21 newly adopted. It is, in substance, that the national
22 policy decision of 6 September is an order for the
23 completion of operational preparations on a general
24 scale regardless of whether or not they are offensive
25 or defensive in nature. As the first operational

1 formula to be adopted, Japan shall in the early stage
2 counter passively the attacks of the American,
3 British and Dutch forces singly or severally and then
4 after completing operational preparations turn to the
5 offensive to secure the defense of our land. In such
6 a case we must recognize that we cannot avoid carrying
7 out continuously operations necessary for our self-
8 preservation and defense, and preparations toward this
9 end shall be completed. As to the second operational
10 formula, although we shall counter the attacks of the
11 opposing party, we shall without falling into a defensive
12 position undertake repulsive actions by counterattacking
13 from the very outset and then carry out the strategy
14 indicated in the first formula, as to which of the
15 above two we should rely on or whether other plans
16 (such as special defense in some particular spot)
17 should be adopted. The choice would naturally be
18 determined by the situation within and without our
19 country at the time of the commencement of hostilities
20 and the degree of completion of our national policy in
21 meeting that situation as well as the state of our
22 military and naval preparations. At such a time the
23 various conditions surrounding the navy would have a
24 decisive importance. As for the army Supreme Command,
25 it was directed that whatever may be the circumstances,

1 the army's objective was to carry out operations
2 which, if possible would immediately repulse the
3 opposition's initial attack and that various studies
4 and preparations be carried forward with this in view.

5 "4. Although the formula of operations to
6 be adopted and the aim of preparations to be attained
7 are, as stated above, there is no alternative at
8 present than to undertake defensive operations at
9 first. In other words, while on the one hand we must
10 undertake to perfect all emergency measures in planning
11 and preparing our strategy of defense, we must, on the
12 other as operational preparations are gradually pushed
13 to completion make it our principle to plan and pre-
14 pare urgent matters in an orderly manner so that
15 there will be no miscarriage in the execution of our
16 defensive or offensive strategy whichever it may be.
17 This, from this day onward, has become the important
18 subject of study especially of the Supreme Command.
19 At the same time, the possibility of an initial
20 attack by the opposition before the completion of
21 Japanese preparations by the latter part of October,
22 is a matter worthy of deep caution and prudent consider-
23 ation on the part of the operation authorities.

24 "B. About the middle of September, the General
25 Staff decided upon a plan of defensive strategy to be

1 adopted for the time being in the South, based upon
2 the September national policy decision and prepared
3 according to the following mental attitude:

4 "1. The defensive strategy for the South
5 to be taken by the Japanese army shall vary according
6 to the stage of progress of operational preparations,
7 but on the whole, it shall be on a very small scale.
8 In the final analysis its primary object will be the
9 defense of French Indo-China itself from the attack of
10 the opposition. From the actual state of our present
11 operational preparations we cannot engage in operations
12 in other areas in the Southern region. Hence, in such
13 an event grave difficulties would arise in the defense
14 of Japanese territory and protection of our marine
15 transportation.

16 "2. As such operations as the foregoing
17 amounts to a great failure from the standpoint of
18 national defense, we should quickly abandon such a
19 passive and harmful operational formula and turn from
20 a purely defensive position to a passive offensive.
21 This requires speedy progress in our operational
22 preparations such as would permit a change over to
23 emergency operational command for our self-preservation
24 and defense.

25 "3. In case such operations are unavoidably

1 given rise to, much against our wishes, the principle
2 of operational command and other methods as are deemed
3 proper shall be established in accordance with the
4 actual state of progress of operational preparations.
5 In this connection, no directions in advance are deemed
6 necessary to be given to the forces on the spot
7 (forces stationed in French Indo-China). This is
8 regarded as disadvantageous to us.

9 "C. Since about this time, the General
10 Staff was constantly apprehensive lest there be a
11 possible attack initiated by the United States and
12 Great Britain, considered it highly necessary to pre-
13 pare fully against it. Hence there was great concern
14 in our defensive operational command in this period
15 when preparations for operations in the South were
16 incomplete. On 6 November 1941 the Imperial Head-
17 quarters sent to the Supreme Commander of the Southern
18 Army an order to prepare for the capture of strategic
19 points in the Southern Region.

20 "This order permitted him, in the event of
21 an initial attack by the armed forces of the United
22 States, Great Britain and the Netherlands, or one of
23 them, to meet the attack with the forces under his
24 command for purposes of self-defense. In an order
25 issued on 1 December 1941 the Imperial Headquarters

1 directed that in the event of a serious initial Anglo-
2 American attack the Supreme Commander shall, in co-
3 operation with the navy, commence offensive go ahead
4 operations at a proper time. As can thus be seen,
5 these orders were issued out of a deep concern over
6 a possible initial attack by the United States and
7 Great Britain. There were also grave apprehensions
8 over a possible British invasion of Siam.

9 "D. The state of operational preparations
10 about the middle of September was generally as follows:
11 In connection with the preparations both under the
12 jurisdiction of the War Ministry and the joint juris-
13 diction of the Ministry and High Command all matters
14 were vigorously advanced through cooperation between
15 them, but delay could not be avoided. This was prin-
16 cipally due to lack of materials and shipping.

17 "1. Although it was the plan of the General
18 Staff gradually to release units of the 5th and 18th
19 divisions from the China operations for employment in
20 the French Indo-China area, their education, training
21 and equipment having recovered to some extent about
22 this time to enable them to engage in operations, yet
23 their recovery and perfection, especially preparations
24 which would accord with the requirements of operations
25 in the South, were far from sufficient. (These

1 divisions were at first being concentrated for return
2 to Japan and demobilization, but in view of the sit-
3 uation in the South, their return home was called off
4 and they were made to stand by in China.)

5 "These divisions had been on duty maintaining
6 public peace and safety in China (near Shanghai and
7 Canton). In addition, they were primarily engaged in
8 military training. Even in case an incident with the
9 United States and Great Britain should suddenly occur
10 and these divisions are dispatched to cope with it,
11 they would require nearly two months before they
12 could actually engage in defensive actions, the time
13 being necessary to complete concentration, transporta-
14 tion and other various preparations.
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1 "In addition to the above, several more
2 divisions engaged in the China operations were
3 scheduled to be transferred to the Southern opera-
4 tions in accordance with future requirements, as
5 well as three additional divisions in Japan proper
6 and Formosa.

7 "2. Ammunition for the Southern operations
8 for approximately ten divisions to engage in battle
9 was scheduled to be stocked up in Formosa and
10 French Indo-China and it was planned that as a part
11 of the scheme the first stock pile be created in
12 Formosa about the end of September, but its execu-
13 tions were extremely doubtful because of the shortage
14 of shipping. Conditions were such that even if all
15 difficulties were overcome in transporting and
16 accumulating the entire stock, the accumulation
17 could not be completed until the end of December.
18 The ammunition to be stocked up was for
19 general operations and not as equipment for the
20 forces. My subordinates were able to learn of the
21 above from their contacts with the various bureaus
22 of the War Ministry which were concerned with these
23 matters. Moreover, about this time the standard
24 amount of ammunition to be used for the Southern
25 operations was considered to be one and one-half

1 times the general standard and it was on this
2 standard that the basis for the stock-piling of
3 ammunition was set up.

4 "3. After the middle of September 1941 a
5 part of our forces was despatched to the South from
6 Manchuria and the Japanese homeland. The newly des-
7 patched forces were: One division, a tank regiment,
8 an independent anti-tank unit, air force ground crews,
9 signal corps, and supply forces for South China, a
10 tank corps headquarters, a tank regiment, an independ-
11 ent anti-tank unit, an air corps, artillery corps,
12 signal corps, and supply forces for Formosa; and an
13 independent mixed regiment, air force ground crews
14 and supply forces for French Indo-China.

15 "4. Since about this time, aviation and
16 shipping installations were being reinforced or newly
17 created in Formosa, French Indo-China and South China;
18 supply bases were being established in South China,
19 Formosa and French Indo-China; the requisitioning of
20 shipping and the fitting out and equipping of ships
21 were begun or their effectuation being facilitated;
22 and necessary training of army corps and air forces
23 intended for use in the operations was being acceler-
24 ated.
25

1 "E. In the meantime, I learned from the
2 Replenishment Bureau of the War Ministry about the
3 actual situation relative to preparations pertain-
4 ing to liquid fuels, the gist being as follows:

5 "Assuming that Japan would continue the
6 China Incident through 1941 and 1942 generally under
7 the international situation now prevailing, her
8 holdings of aviation gasoline and heavy oil in 1943
9 after dedicating the amount expected to be consumed
10 in these two years would be extremely small and suf-
11 ficient to meet the requirements of no more than one
12 year of military operations. The reserve of heavy
13 oil especially is sufficient to satisfy the require-
14 ments of the Navy to conduct decisive operations for
15 no more than half a year. The foregoing estimates
16 are based on the total reserves within Japan.
17 Furthermore domestically produced crude oil, syn-
18 thetic crude oil, alcohol etc., are far from suf-
19 ficient to have any effect on the general situation,
20 while with respect to synthetic oil there was no
21 prospect of obtaining them in great volume. In
22 other words if the present conditions remained un-
23 changed during the two years, it was clear that our
24 defensive strength would diminish as a matter of
25 course to a state of complete powerlessness.

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2 Replenishment Bureau of the War Ministry about the
3 actual situation relative to preparations pertain-
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5 "Assuming that Japan would continue the
6 China Incident through 1941 and 1942 generally under
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8 holdings of aviation gasoline and heavy oil in 1943
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13 oil especially is sufficient to satisfy the require-
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15 no more than half a year. The foregoing estimates
16 are based on the total reserves within Japan.
17 Furthermore domestically produced crude oil, syn-
18 thetic crude oil, alcohol etc., are far from suf-
19 ficient to have any effect on the general situation,
20 while with respect to synthetic oil there was no
21 prospect of obtaining them in great volume. In
22 other words if the present conditions remained un-
23 changed during the two years, it was clear that our
24 defensive strength would diminish as a matter of
25 course to a state of complete powerlessness.

1 "F. In the Army department of the Imperial
2 Headquarters an over-all operation plan against the
3 United States, Great Britain and the Netherlands was
4 being formulated on the basis of past studies, ex-
5 perience and collected data, but the chief of the
6 General Staff conceived of the plan of operations to
7 capture strategic points in the Southern Region in
8 order to establish Japan's position of self-preserva-
9 tion and defense by breaking through and severing
10 the ABCD encirclement immediately in the event Japan
11 is provoked and challenged after the early part of
12 October 1941 and on this basis issued directions for
13 the formulation and study of initial operations
14 against the United States, Great Britain and the
15 Netherlands. This draft plan obtained the approval
16 of the General Staff late in October, and in the
17 middle of November, was definitely established as a
18 plan both in name and in fact. The foregoing does
19 not mean, however, that the Japanese army had, after
20 the early part of October, the intention to capture
21 key points in the Southern Region or that there was
22 such a possibility. It merely indicated the course
23 of development of the study of plans of operation.
24 At the same time, it was but a natural expression
25 to cope with the situation caused by extreme

1 difficulty of adjusting Japanese-American relations
2 and the strengthening of the encirclement of Japan
3 in East Asia. Moreover, it was but a result of a
4 study of means by which to meet a situation in which
5 Japan might be compelled unavoidably to act for her
6 self-defense even at the risk of throwing herself
7 into the very jaws of death.

8 "G. The preparations started on the basis
9 of decision of 6 September, 1941, were to be sus-
10 pended, in the event peace was decided as the nation-
11 al policy on the occasion for the decision for peace
12 or war which was scheduled to be made in early
13 October. If, on the contrary, a decision for war
14 was adopted at that time, formal preparations were
15 to be vigorously pushed forward and completed by
16 the end of the same month. However, the preparations
17 actually did not progress as rapidly as had been
18 expected. This was because the decision for peace
19 or war as a national policy had not been made in
20 early October as scheduled and a period of indecision
21 continued until the advent of the TOJO Cabinet in the
22 middle of October. Then from shortly after the
23 formation of the TOJO Cabinet until early in Novem-
24 ber, Japan's policy vis-a-vis the United States
25 and Great Britain had been returned to a clean slate.

1 Meanwhile operational preparations in this period
2 were unavoidably slowed down or their effectuation
3 held in abeyance. In this period the mobilization
4 of troops, the requisitioning of shipping, and the
5 establishment of military bases were greatly re-
6 tardated. However, as I will state, later, opera-
7 tional preparations proceeded on a full scale after
8 the Liaison Conference in early November indicated
9 the outline of national policy.

10 "H. Japanese foreign policy and operation-
11 al preparations based upon the decision made as a
12 result of the Imperial Conference on 6 September 1941
13 were coordinated according to the following considera-
14 tion:

15 "1. On the day before the Imperial Con-
16 ference on 6 September, a complete mutual agreement
17 was reached between the Prime Minister and the Army
18 and Navy chiefs of the Supreme Command on the point
19 that the first principle of the National policy
20 decision was to obtain Japan's objectives through
21 diplomatic negotiations and therefore from the
22 theoretical standpoint Clause Two of the decision
23 should come before Clause One and that war was not
24 desired but was to be resorted to only if absolutely
25 unavoidable, that the essence of the decision lay in

diplomatic negotiations.

1 "2. Full consideration should be paid in
2 the carrying out of preparations so as not to hinder
3 the diplomatic negotiation. With this in view the
4 armed forces to be sent into South French Indo-
5 China in addition to those already stationed there
6 should be limited only to ground crews of the air
7 force.

8 "3. Necessary mobilization to follow the
9 decision on national policy of 6 September was, even
10 after it was put into effect, to be suspended, if the
11 diplomatic negotiations made a turn for the better.
12 The foregoing items, 1 and 2, were to be decided by
13 the consultation between the chief of the General
14 Staff and the War Minister.

15 "4. All operational preparations were to
16 be carried out on the principle that it will not
17 impede or obstruct the diplomatic negotiations.

18 "V. I shall now speak of matters relating
19 to the operational plan and preparations after the
20 adoption of Proposals A and B, vis-a-vis, the United
21 States reached after the Imperial Conference of
22 5 November 1941.

23 "A. The explanations made by the Chief
24 and Vice-Chief of the Army General Staff on the same
25

1 day, 5 November 1941, to the chiefs of various
2 divisions of the General Staff Office, were in sub-
3 stance as follows:

4 "At the Liaison Conferences held daily from
5 the latter part of October to the early part of
6 November, prior to the decision of 5 November, it was
7 recognized that the relations between Japan and the
8 United States were at last approaching the final
9 stage where a choice had to be made between peace or
10 war, but it was agreed that efforts will be continued
11 to effect a diplomatic settlement while maintaining,
12 as heretofore, the twofold policy of diplomacy and
13 war preparations as a means of tiding over the cri-
14 tical situation. However, there was a time limit on
15 both the diplomatic steps and war preparations.
16 Operational preparations were to be carried forward
17 with the resolve that if a settlement could not be
18 reached through diplomatic negotiations, then an
19 appeal to arms would be made as a last resort and
20 preparations hereafter were to be on a full scale.
21 The decision was explained as being the same as that
22 of 6 September in that a resolution for war was not
23 made. With regard to when operational preparations
24 should be completed, the Chief of Staff on this same
25 occasion, expressed the view that this goal should

1 be set for the end of November or beginning of
2 December.

3 "B. With the intensification of a crisis
4 in the relations between the two countries, full
5 scale preparations were launched after 5 November on
6 the twofold principle of diplomacy and preparations
7 with the intention to leave no stone unturned in the
8 consideration of measures with which to cope with
9 the worst eventuality. I am familiar with these
10 matters as they were in my line of duty and their
11 gist is as follows:

12 "(1) In addition to the vigorous advance-
13 ment of the preparations, which were hitherto being
14 made, mobilization and deployment of troops,
15 requisitioning of ships and the establishment of
16 military bases were carried out with the utmost
17 effort. The Army's operational preparations for the
18 initial phase of operations were being completed with
19 the end of November as the goal.

20 "(2) The over-all plan of operations of the
21 Army Department of the Imperial Headquarters against
22 the United States, Great Britain and the Netherlands
23 were under study and discussion parallel with the
24 government's diplomatic efforts. It was late in
25 October that it became a final plan and it was

1 formally adopted both in name and in fact in the
2 middle of November (about the 15th). The establish-
3 ment of the plan of operations for the General Army
4 for the Southern Region and other armies under it in
5 the field took place later.

6 "(3) The organization of operational
7 armies, namely, the order of battle of the Southern
8 Army and the order pertaining to important personnel
9 including the Supreme Commander of the Southern Army
10 and others under him were issued on 6 November, and
11 on the same day an Imperial Headquarters order con-
12 cerning the operational preparations of the Southern
13 Army was transmitted. The gist was that the Supreme
14 Commander shall prepare for the capture of key areas
15 in the South from bases in French Indo-China, South
16 China, Formosa and the Southwest Pacific Islands,
17 employing his main forces and in cooperation with
18 the Navy. In case he is attacked by American,
19 British and Dutch forces, he is empowered to meet the
20 attack with the forces under his command.

21 "(4) On 8 November, in Tokyo, an agreement
22 for joint operations was made between the Head-
23 quarters of the Southern General Army and the com-
24 bined fleet.

25 "(5) On 15 November the Imperial Headquarters

1 notified the Supreme Commander of the Southern Army
2 of the outline to be followed in the operations to
3 capture and occupy key areas in the South. The areas
4 to be captured and occupied were the Philippine
5 Islands, British Malaya, the Dutch East Indies and
6 a part of southern Burma. It was further directed
7 that the stability of Siam and French Indo-China be
8 maintained with all possible effort.

9 "(6) It was after 5 November that opera-
10 tional army corps to serve under the Southern General
11 Army left for their areas of service from Japan,
12 China, and Formosa. These army corps were to be
13 returned home at any time, when the negotiations
14 between Japan and the United States reached a
15 settlement. In this connection, the Chief of the
16 Army General Staff gave direct instructions to
17 General TERAUCHI, the Supreme Commander of the South-
18 ern Army, and the latter readily acknowledged it.

19 "(7) As to the supply, the necessary pre-
20 parations were generally nearing completion after the
21 middle of November.

22 "(8) All the full scale war preparations
23 stated above were not the result of a decision for
24 war. Hence, if the Japanese-American negotiations
25 were successfully consummated, all the preparations

1 were to be halted and returned to a clean slate.

2 In this respect there was a complete agreement
3 between the General Staff and the War Ministry as
4 well as the Naval Supreme Command. The suspension
5 of preparations was a matter of considerable diffi-
6 culty and required coolness and boldness of will and
7 speedy and organized handling of business relating
8 thereto. At that time the Chief of the General
9 Staff was full of confidence in this respect.

10 "C. Although both the original and copies
11 of the operational plan for the Southern Region which
12 was established in the middle of November, 1941,
13 were destroyed by fire, the general outline thereof
14 which I retain in my memory is as follows:

15 "(1) The outline of the plan is given in
16 paragraph 1 and onward, but it is to be borne in
17 mind that it was to be abandoned if the diplomatic
18 negotiations reached a settlement before the out-
19 break of war.

20 "(2) The areas of operations in the South
21 were to be the Philippine Islands, Guam, Hong-Kong,
22 British Malaya, Burma, Java, Sumatra, Borneo,
23 Celebes, the Bismarck Islands and Dutch Timor.

24 "(3) Operations were to be commenced
25 simultaneously against the Philippines and British

1 Malaya through close cooperation between the Army
2 and Navy and completed in the shortest possible
3 time.

4 "(4) Armed forces to be employed in the
5 operations were to consist of 11 divisions, 9 tank
6 regiments, 2 aviation corps and other units under
7 the army's direct command. The division of these
8 forces into army corps and their areas of assignment
9 were scheduled as follows:

10 "The 14th Army of the Southern Army, con-
11 sisting of two divisions as its mainstay and
12 assigned to the Philippines area; the 15th Army,
13 consisting of two divisions was assigned to maintain
14 stability in Siam and operations in Burma; the 16th
15 Army, consisting of three divisions (of which two
16 divisions were to be transferred after the end of
17 other operations) were assigned to the Netherlands
18 Indies area; the 25th Army, consisting of four
19 divisions, was assigned to engage in operations
20 against Malaya and Singapore; the air force was to
21 consist of two air corps as its mainstay; the 23rd
22 Army under the command of the China Expeditionary
23 Forces, was assigned to operations in the Hong Kong
24 area, with one division as its mainstay; detachments
25 in the Southern sea area under the direct command

1 of the Imperial Headquarters were to consist of three
2 infantry battalions as their mainstay and assigned
3 to operations against Guam, the Bismarck Islands,
4 etc., and another division was to be assigned to
5 maintain stability in French Indo-China.

6 "(5) The date for the commencement of
7 operations was to be fixed after the decision for war
8 was made. As set forth above, the operational plan
9 and preparations of the Japanese Army varied in the
10 scale of their objective, the degree of precision
11 and their strength in accordance with the relaxation
12 or intensification of the international situation
13 and the demands of defense during the period between
14 spring and early winter in 1941. In every case it
15 was a stipulation of operational technique and
16 naturally not a war plan. Moreover, the Japanese
17 Supreme Command had nothing which can be called a
18 war program in time of peace. The same was the case
19 with the Japanese Government. This concludes my
20 testimony."

21 Do you wish to cross-examine the witness?
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2 infantry battalions as their mainstay and assigned
3 to operations against Guam, the Bismarck Islands,
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1 THE PRESIDENT: Mr. SHIMANOUCI.

2 MR. SHIMANOUCI: I beg the indulgence of
3 the Court. If the Court please, I should like to
4 ask a few questions on direct examination on behalf
5 of the defendant OSHIMA.

6 DIRECT EXAMINATION (Continued)

7 BY MR. SHIMANOUCI:

8 Q From October 1940 to December 1942, that is
9 to say, during the time you occupied the position
10 of Chief of the Operational Planning Division of the
11 General Staff Headquarters, did the General Staff
12 ever reveal its operational plans to OSHIMA?

13 A During that period it goes without saying
14 that the General Staff never conveyed its operational
15 plans to OSHIMA. Neither did I, myself, personally
16 convey such information as an individual. Even within
17 the General Staff office these operational plans were
18 revealed only to those who were especially connected
19 with them.

20 THE PRESIDENT: This examination by you,
21 Mr. SHIMANOUCI, is quite unnecessary from your
22 client's viewpoint. From your attitude one would
23 assume that OSHIMA was the most involved of all the
24 accused. We will assume that the General Staff
25 didn't show their plans to OSHIMA unless the contrary

1 is established.

2 MR. SHIMANOUCI: According to prosecution
3 exhibit No. 571, document concerning a conversation
4 held between OSHIMA and Ribbentrop in February 1941,
5 it is stated that OSHIMA said preparations for the
6 capture of Singapore would be completed by the early
7 part of May, and that preparations for the capture
8 of Hong Kong and the Philippines were also under
9 way.

10 THE PRESIDENT: This witness has not con-
11 firmed that, and he could not tell you what OSHIMA
12 did or did not know. He could only tell you what he
13 knew or what he did. In any event, OSHIMA could
14 know those things without being shown the General
15 Staff plans. You are wasting time, really, Mr. SHIMA-
16 NOUCHI. I hate to shut down on your examination.

17 MR. SHIMANOUCI: Then I should like to
18 reserve the right to call this witness on behalf of
19 the defendant OSHIMA in the individual defense phase.
20

21 THE PRESIDENT: Not to answer these ques-
22 tions, certainly.

23 Mr. Tavenner.

24 MR. TAVENNER: If the Tribunal please, this
25

1 affidavit, in the view of the prosecution, is replete
2 with argument, which in cross-examination, we take it,
3 could be tested only by further argument.

4 THE PRESIDENT: No, mainly he set out to
5 show how the Japanese reasoned. That is not argument.
6 He is stating a fact there. But it would be most
7 difficult for you to conduct a cross-examination of
8 any length or any value, having regard to the nature
9 of the subject matter. That the Japanese thought
10 was a matter peculiarly within the knowledge of the
11 Japanese, and you can only test that by matters ex-
12 ternal to their thoughts, and you have done it in
13 your prosecution's evidence.

14 MR. TAVENNER: In the light of those con-
15 siderations and the further fact that most of the
16 matters referred to are matters which will ultimately
17 have to be construed by the Tribunal after summations
18 by both sides, we view it unnecessary to conduct a
19 cross-examination.

20 MR. DLEWETT: I call the witness MIYAMA.

21 THE PRESIDENT: We must release this man first.
22 He is released on the usual terms.

23 (Whereupon, the witness was
24 excused.)
25

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1 Y U Z O M I Y A M A, called as a witness on behalf
2 of the defense, being first duly sworn, testified
3 through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. BLEWETT:

6 Q Give us your name and address.

7 A My name is MIYAMA, Yuzo; my address, Tokyo,
8 Chiyoda-ku, Nagata-cho, 1 Chome, No. 8.

9 Q May the witness be shown defense document
10 No. 1903.

11 Is that your affidavit and did you sign it?

12 A Yes.

13 Q Are the contents true and correct?

14 A Yes.

15 H. BLEWETT: I offer in evidence, if your
16 Honor please, defense document 1903, and read a portion
17 of it.

18 THE PRESIDENT: Mr. Tavenner.

19 MR. TAVENNER: If the Tribunal please, objec-
20 tion is made to the document as a whole. The only
21 paragraph which is relevant is the one marked 3, in
22 the view of the prosecution, extending down through
23 the line, "There exists no original now," near the top
24 of page 2. The rest of the document, we contend, is
25 both irrelevant and immaterial. As to this paragraph

1 marked "3," the Tribunal's attention is called to
2 the fact that this witness gave a certificate which
3 was introduced in evidence on this same subject by
4 the prosecution and bears exhibit No. 2000, page
5 14,699 of the transcript, and which is followed by
6 another document, 2001, which is explanatory of the
7 situation. In the light of these previous exhibits
8 we feel that the document is immaterial.

9 THE PRESIDENT: Mr. Blewett.

10 MR. BLEWETT: We shall be quite content, sir,
11 just to read paragraph 3.

12 THE PRESIDENT: The document is admitted as
13 to paragraph 3 thereof only.

14 CLERK OF THE COURT: Defense document 1903
15 will receive exhibit No. 3028.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 No. 3028 and received in evidence.)

19 MR. BLEWETT: I shall read exhibit 3028,
20 starting at the third paragraph --

21 THE PRESIDENT: Down to the words -- to the
22 extent that Mr. Tavenner did not object.

23 MR. BLEWETT: What page was that, Mr. Tavenner?

24 MR. TAVENNER: If the Tribunal please, I ob-
25 jected to the document in its entirety, but parts of it

1 on different grounds.

2 THE PRESIDENT: We understood you differently;
3 at least, I did. I understood you to say that para-
4 graph, or the part of paragraph 3 which you indicated,
5 was relevant.

6 MR. TAVENNER: Perhaps I did not state it
7 clearly. Paragraph three is a relevant matter, but
8 in the light of the other exhibits to which I re-
9 ferred we contend that it is immaterial, it being a
10 repetition of document 2000; so I prefaced my remarks
11 by objecting to the introduction of the document in
12 its entirety.

13 MR. BLEWETT: Well, we were under the im-
14 pression that we agreed down to the beginning of
15 Appendix No. 1 on 3, and that material is quite
16 relevant, we believe; and I am informed that some of
17 these documents referred to will be used later on in
18 individual phases, and we could lay the groundwork
19 for it here, sir, and save the time of recalling this
20 witness. That would only be about two pages, sir.
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1 MR. BROOKS: If your Honor please, I should
2 like to be heard on this. I think it would save a
3 great deal of time in the individual cases..

4 THE PRESIDENT: We are not going to depart
5 from our rule.

6 I can't get a majority for any particular
7 viewpoint. However, you did agree to paragraph 3
8 as indicated by Mr. Tavenner being admitted alone.

9 MR. BLEWETT: Yes, your Honor; down to
10 Appendix No. 1.

11 THE PRESIDENT: No, that is more than Mr.
12 Tavenner agreed to.

13 MR. TAVENNER: The objection, if the Tribunal
14 please, went down to "There exists no original now,"
15 near the top of page 2.

16 THE PRESIDENT: Did you say the objection or
17 the admission?

18 MR. TAVENNER: I put it in the form of an
19 objection, but the Tribunal viewed it otherwise, and,
20 as I understood it, you had admitted section 3 down
21 to and through the line "There exists no original now,"
22 which is the part that I stated I considered relevant
23 but immaterial.

24 MR. BLEWETT: Sir, I have been requested by
25 other counsel to ask permission if we can't read

1 starting on the bottom of page 2, just the last
2 paragraph. That refers to--

3 THE PRESIDENT: What part of paragraph 3
4 in this document is not contained in exhibits 2000
5 and 2001?

6 MR. BLEWETT: I am told, sir, the part
7 starting with "The Great Diary, the Proclamation of
8 Councillors," and so on, all those references--

9 THE PRESIDENT: We do not want you to dup-
10 licate anything, Mr. Blewett.

11 MR. BLEWETT: Then, sir, the second paragraph
12 on page 3 refers to documents which are in Washington
13 and which efforts are being made at the present time
14 to obtain.

15 THE PRESIDENT: You must indicate to us what
16 there is in paragraph 3 that is not in those two
17 exhibits. That much we will admit. But we have not
18 made any comparison. We haven't those exhibits in
19 court.

20 MR. BLEWETT: I would say, sir, that the
21 important matters in this affidavit are paragraph 3,
22 the last paragraph on page 1, the last paragraph on
23 page 2, down to Appendix No. 1; about four paragraphs
24 in all. Of course, sir, if the prosecution can
25 point out that this reference is already in evidence,

1 we shall not read it.

2 THE PRESIDENT: We have not been in a position
3 to make a comparison. We are inclined to let you read
4 from the last paragraph on page 2, beginning "The
5 Great Diary," down to the middle of page 3; that is,
6 down to Appendix No. 1, but not including that.

7 MR. BLEWETT: I shall read the exhibit--

8 THE PRESIDENT: The document is admitted to
9 that extent.

10 MR. BLEWETT: I read exhibit 3028 as
11 designated, beginning at the bottom of page 2, the
12 last paragraph.

13 "The Great Diary, the Proclamation of Coun-
14 cillors, various laws promulgated since the establish-
15 ment of the army, documents relating to the war of
16 (1877), Diary of the Sino-Japanese War, Diary of the
17 Russo-Japanese War, Documents relating to the Siberian
18 Expedition, Documents in connection with the prisoners
19 of war in the Russo-Japanese War and World War I, the
20 League of Nations, Reduction of Armament and the Peace
21 Treaty, and the annals and the original records of the
22 advance and retreat of the deactivated divisions,
23 brigades and regiments, all being valuable historical
24 materials which had been transferred to the army ware-
25 house...during the period from December, 1944, to

1 March, 1945, to avoid possible damages from air raids.
2 Some of them were burned but the remainder were kept
3 in custody under a strict surveillance of guards in
4 accordance with Directive No. 2 of the Supreme Commander
5 of the Allied Powers on September 3, 1945.

6 "After that at the request of Major Duncan
7 Macferren, Chief of the Document Section of the Allied
8 Forces Washington the documents were transferred di-
9 rectly by eight trucks of the First Demobilization
10 Bureau to the First Army Arsenal at Oji on January 8th
11 and 9th, 1946, and delivered to the Washington Docu-
12 ment Section there.

13 "The Explanation of the Classification of docu-
14 ments issued and the Great Diary in the War Ministry
15 is as in the attached supplement.
16

17 "The burning was commenced in the evening
18 of the 14th by each respective unit, government office
19 and school and I suppose it was completed in a short
20 time."

21 You may question.

22 MR. T. OKAMOTO: If it please the Court, I
23 should like to be permitted to ask one or two
24 questions.

25 THE PRESIDENT: On behalf of whom?

MR. T. OKAMOTO: MINAMI.

1 BY MR. T. OKAMOTO:

2 Q The part of the affidavit that was read just
3 now, does that refer to the documents which were in
4 the custody of the War Ministry?

5 A Yes, they are.

6 Q Then do you know in what manner the documents
7 which were in the custody of the General Staff were
8 disposed of?

9 A Yes, I do.

10 Q Will you explain this briefly?

11 A With regard to the documents which were in
12 the custody of the General Staff, I have referred to
13 this in the very last part of my affidavit. Further-
14 more, the War Ministry and the General Staff occupied
15 the same building, and at the time the documents were
16 destroyed I was in the garden and I saw this actually
17 being done by the General Staff.

18 Q Then is it correct to conclude that all docu-
19 ments which were in the possession of the General
20 Staff were destroyed by -- were burned?

21 A Yes.

22 THE PRESIDENT: Mr. Tavenner.

23 CROSS-EXAMINATION

24 BY MR. TAVENNER:

25 Q How many copies of the Great Diary were made?

1 A I do not know how many copies were made.

2 Q Why don't you know?

3 A After I became senior adjutant of the War
4 Ministry, I had no chance to investigate how many
5 copies had been made, and at present no record of how
6 many copies were made remains.

7 Q How many copies to your knowledge existed?

8 A They may be counted in the tens and hundreds.

9 Q Do you know where any one of the ten or
10 hundred copies is now, other than the one that you say
11 was delivered to the Washington document center.

12 A I do not know.

13 Q To whom were they circulated?

14 A They were not circulated.

15 Q Do you know that there was a copy of the
16 prisoners of war report referred to in your affidavit
17 in the hands of -- strike the question, please.

18 Do you not know that there was a copy of the
19 Great Diary in the possession of the Prisoners of War
20 Investigation Committee as late as November 1945?

21 A I do not know.

22 THE PRESIDENT: I have a question on behalf
23 of a Member of the Tribunal.

24 Were the documents transferred to the First
25 Army arsenal in January accompanied by an inventory?

1 A I do not know how many copies were made.

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4 Ministry, I had no chance to investigate how many
5 copies had been made, and at present no record of how
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THE WITNESS: There was an inventory. However,
I do not believe it was correct -- accurate.

THE PRESIDENT: Where is it?

THE WITNESS: I believe it is now in Washington.

THE PRESIDENT: We will recess for fifteen
minutes.

(Whereupon, at 1045, a recess was
taken until 1105, after which the proceed-
ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Blewett.

4 MR. BLEWETT: If the Tribunal please, to
5 clear up a misapprehension as to what is meant by
6 this diary, I would like to ask the witness one or
7 two questions on redirect examination.

8 THE PRESIDENT: Strictly, it is further
9 examination in chief, but go ahead.

10 DIRECT EXAMINATION

11 BY MR. BLEWETT (Continued):

12 Q What do you mean by the "Great Diary?"

13 A The Great Diary, differing from the ordinary
14 diaries which are kept by individuals, was a large file
15 of documents, the original documents which were sent
16 out by the War Ministry and of those documents which were
17 received by the War Ministry.

18 Q Are we to understand then that the diary con-
19 sists only of original papers?

20 A Yes.

21 Q In your answer to Mr. Tavenner that there
22 existed many copies of this diary, what did you mean?

23 THE PRESIDENT: He can say how many. You can
24 ask him how many.

25 Q Did you mean that there were duplications of

1 this paper consisting of copies, or that there were
2 several, various different volumes of this diary?

3 A I meant the latter.

4 Q Approximately how many original diaries
5 would be prepared in the course of a year?

6 A More than twenty.

7 MR. BLEWETT: I show the witness one of the
8 diaries.

9 (Whereupon, a document was handed to
10 the witness.)

11 Q And I shall ask you to tell us what period
12 of time is covered by that diary.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please, it
15 occurs to me that there has been a great waste of time
16 talking about the diary in view of the fact that I am
17 now informed that they have some copies, that they have
18 just received, of the diaries.

19 MR. BLEWETT: We are going to offer those in
20 evidence, sir. The only difficulty about the situation
21 is that in the translation of the word "copy." There
22 are no copies of this. They are all originals. Each
23 one pertains to a different period of time.

24 THE PRESIDENT: You mean there is only one
25 diary in a number of parts?

1 MR. BLEWETT: That is right, sir.

2 If we can agree on that, I will drop the
3 whole examination right now.

4 Q Will the witness tell us, then, the name of
5 that diary and the period covered by it?

6 THE PRESIDENT: What will that prove, Mr.
7 Blewett?

8 MR. BLEWETT: I beg your pardon, sir.

9 THE PRESIDENT: What will that prove?

10 MR. BLEWETT: That there are no copies of
11 that, other than one. There is just one.

12 THE PRESIDENT: He does not prove that by
13 looking at it and answering the question.

14 MR. BLEWETT: I am going to follow that up
15 by asking if there were any duplications made of that
16 book.

17 THE PRESIDENT: Even so, he need not look in
18 the book and say what period it covers.

19 Mr. Tavenner.

20 MR. TAVENNER: The witness answered the ques-
21 tion, your Honor.

22 BY MR. BLEWETT (Continued):

23 Q Do you know whether or not there are any dupli-
24 cations of that diary, which you have just examined, in
25 existence?

1 A I do know.

2 Q Were copies made of that same identical book-
3 let, and is a copy of it in existence now?

4 A No copy was made. None is in existence now.

5 MR. BLEWETT: That is all.

6 May the witness be excused on the usual terms?

7 THE PRESIDENT: Well, a Member of the Tribunal
8 is not too clear on the meaning of the word "originals,"
9 as used by the witness. He suggests that if "originals"
10 is used in the true sense, then only incoming corres-
11 pondence is included in the diary and not outgoing
12 correspondence, that it is not a diary at all but just
13 a collection of original papers.

14 MR. BLEWETT: That is our only point, sir.
15 It is a file, what we call a file.

16 THE PRESIDENT: Well, is there any contest
17 about it?

18 MR. TAVENNER: If the Tribunal please, we were
19 told a moment ago that this "Great Diary" included
20 originals received and copies that were sent out, so
21 unless that matter is cleared up, I will want to ask
22 some questions about it.

23 BY MR. BLEWETT (Continued):

24 Q I shall ask the witness if the diary contains
25 the originals of papers received only, or does it also

1 contain copies transmitted from your office or from any
2 office.

3 A The originals of the documents sent out from
4 our office are included in that diary.

5 May I make a further explanation?

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Q You may.

1 A The documents of the War Ministry are drafted
2 by the various bureaus or sections under the order of
3 the superiors. These documents which are drafted,
4 after receiving the approval of the superior officer
5 concerned, are typed and then sent out. These documents
6 which are approved and signed by the superior officer
7 are, as a rule, kept by the respective bureaus or
8 sections concerned for about a period of one year. After
9 these various bureaus or sections have had the document
10 which bears the signature and approval of the superior
11 officer for about a year, they then turn it into the
12 Secretariat of the Minister. Then the Secretariat of
13 the War Minister files these in what we call the Great
14 Diary.
15

16 MR. BLEWETT: I think that explains the
17 situation, sir.

18 Have you any questions?

19 THE PRESIDENT: Mr. Tavenner.

20 CROSS-EXAMINATION

21 BY MR. TAVENNER: (Continued)

22 Q What disposition is made of the copies of out-
23 going documents?

24 A The original papers, bearing the signature
25 and approval of the superior officer, is turned into

1 the Secretariat of the Minister where copies are
2 typewritten and these copies are distributed to various
3 offices.

4 Q After the distribution of the copies of the
5 outgoing messages is made, is there any one file that
6 contains all the copies relating to a given matter?

7 A The various bureaus and sections usually keep
8 such files according to the type of matter which these
9 documents relate to for a period of one year. That is,
10 these documents are kept according to the matters dealt
11 therein.

12 Q Well now, at the end of that one year what
13 is done with the copies retained of the outgoing letters?

14 A They are destroyed by burning.

15 Q Do you mean to state that in connection with
16 important diplomatic matters, letters, copies of letters
17 that have been written are destroyed at the end of one
18 year?

19 A In regard to specially important documents,
20 there are cases where such are kept in the custody of
21 the officer -- responsible officer concerned.

22 Q Now, are you familiar with diary of the
23 Imperial General Headquarters?

24 A I know nothing of a diary of the Imperial
25 General Headquarters.

1 Q At any rate, the Great Diary to which you
2 have been testifying is something different from the
3 diary of the Imperial General Headquarters.

4 A Yes, that is true; it is something different.

5 MR. TAVENNER: With regard to the diary of
6 Imperial General Headquarters, I refer the Tribunal to
7 prosecution exhibit No. 476 at page 8.

8 Q Now, the copies of the outgoing letters and
9 communications, I understood you to say, would be dis-
10 tributed to the various ministries; is that correct?

11 A That is so. You may so understand.

12 MR. TAVENNER: That is all, if the Tribunal
13 please.

14 MR. BROOKS: If the Tribunal please, the docu-
15 ments referred to on page three of the witness' affidavit,
16 after having been sent to the War Department, Washington,
17 Document Section, were subpoenaed by Court Order, Paper
18 No. 963 and 964. Of this number of documents that have
19 been subpoenaed, we have received ten to date and I
20 have them here in the courtroom. And, we have finished
21 in the defense screening these documents as far as we
22 are concerned and have taken excerpts therefrom. Since
23 they contain original telegrams and matters, letters,
24 in Japanese, we think it proper at this time to offer
25 them for identification so that they will be available

1 for the prosecution, because it will take some time
2 for them to go through and check this number of
3 documents. If it is agreeable with the Court, we will
4 offer them for identification to this witness so that
5 they can be marked and they can be referred to by the
6 prosecution or by other defendants who may use certain
7 excerpts from these documents.

8 I offer this in the interest of saving time,
9 because it will have to be done some time through some
10 witness. This man can identify them and I believe
11 it will save time and also make it a convenience to the
12 prosecution by giving them a longer period of time to
13 examine these documents. It has taken us some time.

14 THE PRESIDENT: Mr. Blewett may take that
15 course, if he so desires. If he does, we will say
16 what is to be done as he hands up the documents, subject
17 to any objection.

18 MR. BROOKS: That is why I ask for special
19 permission, your Honor, because I know the Document
20 Section is familiar with them because all the documents
21 are in Japanese and I have the papers relating to them.

22 THE PRESIDENT: We will hear Mr. Blewett.

23 MR. BROOKS: Might I state one more sentence,
24 your Honor? That it had taken us considerable time to
25 make this search and the prosecution had indicated that

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1 they would like to have this document available.

2 THE PRESIDENT: Mr. Blewett.

3 MR. BLEWETT: Defense counsel, sir, have
4 asked me to present this for identification through
5 this witness, if we may.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: There is no objection, if the
8 Tribunal please.

9 MR. BLEWETT: I ask that the witness be shown
10 the Great Secret Diary for 1931, Volume 1.

11 (Whereupon, a document was handed to the
12 witness.)

13 BY MR. BLEWETT:

14 Q Is that the original of the Great Diary?

15 A Yes.

16 Q What volume and for what period of time does
17 it cover?

18 A It is Volume 1 of the Diary of 1931. The
19 period covered is very difficult -- would take some
20 time to say offhand here, because the documents are not
21 filed chronologically.

22 Q What is the volume number?

23 A No. 1.

24 THE PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: If the Tribunal please, it

1 will apparently take quite sometime to examine each
2 of these volumes separately. Cannot this witness be
3 directed to make his examination out of the box and
4 reduce it to affidavit form and present it here this
5 afternoon, which, it seems to me, would save a great
6 deal of time.

7 THE PRESIDENT: It now appears that the wit-
8 ness cannot describe them as readily as the defense
9 counsel anticipated, so the course you suggest should
10 be followed, Mr. Tavenner.

11 MR. BLEWETT: That is agreeable, sir.

12 May the witness be released?

13 THE PRESIDENT: He is released on the usual
14 terms.

15 (Whereupon, the witness was excused.)

16 MR. BLEWETT: I offer in evidence defense
17 document No. 626A-11, which is a portion of General
18 TOJO's interrogatory of March 11 not read by the prose-
19 cution. The portion read is exhibit No. 1137A, on
20 page 10,221 of the record.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 626A-11
23 will receive exhibit No. 3029.
24

25 (Whereupon, the document above referred
to was marked defense exhibit 3029 and received

in evidence.)

1 MR. BLEWETT: I shall read exhibit 3029:

2 "Q What war preparations were pushed?

3 "A We were surrounded by Britain, America,
4 and the Dutch. Preparations for an attack at any time
5 by them were pushed.

6 "Q What preparations were made of an offen-
7 sive nature during that period?

8 "A The nature of the preparations was de-
9 fensive.

10 "Q When were the first steps taken to pre-
11 pare for any of the four offensive operations which
12 later were executed, as you have stated?

13 "A Preparations of a defensive nature were
14 begun from the time of the 6 September conference.

15 "Q Regardless of the question of whether
16 they were offensive or defensive, is it not true that
17 preparations for the four attacks that you have pre-
18 viously referred to were begun immediately after the
19 Imperial Conference of 6 September 1941?

20 "A No, not at all. From the time of the
21 Imperial Conference of 6 September 1941, we did not
22 know when we would be attacked by England, America,
23 and Holland; therefore preparations to resist attack
24 were planned. It was not until after the Imperial
25

1 Conference of 1 December 1941 that the various surprise
2 attacks were planned. Strategically, Japan was on
3 the defense; tactically, she was on the offense.
4 Japan was surrounded by much greater forces than she
5 herself possessed. The big picture was that of
6 defense. In actual fighting, she attacked.

7 * * * *

8 "Q In connection with the four operations
9 which you have mentioned, who gave the Army and Navy
10 Chiefs of Staff orders in connection therewith?

11 "A The orders were issued by the Emperor as
12 Commander-in-Chief of the Army and Navy on the advice
13 of the Army Chief of Staff and the Navy Chief of
14 Staff. These have the responsibility of assisting the
15 Throne and, by virtue of this responsibility, go to
16 the Emperor with orders prepared and ask for his assent.
17 When this is given, the orders are given to the Army
18 commanders or, in the case of the Navy, to the Comman-
19 der-in-Chief of the Combined Fleet. The responsibility
20 is that of the Army Chief of Staff and the Navy Chief
21 of Staff from first to last.

22 "Q On whose advice do the Army and Navy
23 Chiefs of Staff write and present such orders to the
24 Emperor?
25

"A The Chiefs of Staff have section chiefs

1 under them. The section chiefs draw up the plans and,
2 if approved by the Chief of Staff, they are presented
3 to the Emperor. This is an important matter. The
4 Imperial Conferences come in here. For example, when
5 the Imperial Conference of 1 December decided upon
6 war, the Chiefs of Staff then prepared the orders and
7 took them to the Emperor for approval and the cabinet
8 also made various preparations.

9 "Q Do you mean to say that no action had
10 been taken nor orders issued relative to the four
11 operations which you have mentioned until after the
12 Imperial Conference of 1 December 1941? Do you under-
13 stand the question fully?

14 "A I understand the question all right.
15 The national will for war was decided for the first
16 time on 1 December 1941. I do not believe, as Premier,
17 that any orders were issued for war previous to that
18 time.

19 "Q The question does not refer to orders
20 in connection with war, but to orders or action taken
21 in connection with the four attacks. Were such orders
22 given or actions taken before the Imperial Conference
23 of 1 December 1941?

24 "A I believe, as Premier and as War Minis-
25 ter, that it is unlikely that any orders were issued

1 in connection with those four attacks previous to the
2 decision for war that I have mentioned. I believe
3 that it is improbable that orders were issued to carry
4 out these attacks prior to the national decision for
5 war.

6 "Q Do you mean to say that everything in
7 connection with those four attacks, including planning,
8 deployment, and execution, took place within the one
9 week following the Imperial Conference of 1 December
10 1941?

11 "A With regard to their execution, I do.
12 As for plans, that is something else. Every national
13 state has a plan of defense. This plan is revised
14 from time to time in accordance with the situation.
15 There was a great deal of tenseness just before the
16 Imperial Conference of 1 December 1941. The situation
17 was changing all the time and the plans were changed
18 accordingly, but the orders for execution of those
19 plans, I believe, were not issued until after the de-
20 cision for war.

21 "Q What about deployment?

22 "A You must remember that there were other
23 objectives too. The China Incident was in progress
24 and there were troop movements in connection with the
25 joint defense of French Indo-China. For those purposes,

1 a variety of dispositions were required. However,
2 the carrying out of attacks against England or America
3 would not, I believe, have preceded the decision for
4 war. Defense against possible British-American-Dutch
5 attacks also had to be thought of in connection with
6 the national plan of defense. I think that the attacks
7 against England, America, and Holland would probably
8 have to have followed the decision of 1 December 1941,
9 which expressed the national will."

10 I call the witness IIMURA, Minoru.
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1 MINORU IIMURA, called as a witness in be-
2 half of the defense, being first duly sworn, tes-
3 tified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 QUESTIONS BY MR. BLEWETT:

6 Q Will you please state your name and your address?

7 A My name is IIMURA, Jo, (Minoru); address 2-501
8 Soshigaya, Setagaya-Ku, Tokyo.

9 MR. BLEWETT: I ask that the witness be shown
10 defense document 164.

11 (Whereupon, a document was shown to
12 the witness.)

13 Q I ask you if that is your affidavit and if you
14 signed it at the end?

15 A As you say.

16 Q Are the contents therein true and correct?

17 A They are true and correct.

18 MR. BLEWETT: I offer in evidence, if the Tri-
19 bunal please, defense document 164.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 164 will
22 receive defense exhibit number 3030.

23 (Whereupon, the document above referred
24 to was marked defense exhibit No. 3030 and receiv-
25 ed in evidence.)

1 MR. BLEWETT: I shall read exhibit 3030:

2 "I was Director of the Total Warfare Institute
3 from January 1941 to October of the same year.

4 "There were institutes in other countries
5 similar or kindred to the Total Warfare Institute.
6 Following their example, the Total Warfare Institute
7 of our country was founded in the autumn of 1940 (the
8 15th year of SHOWA).

9 "In the government organization regarding the
10 Total Warfare Institute, it was prescribed that, under
11 the Premier's control, it shall take charge of the
12 fundamental investigation and research into total war-
13 fare, and the education and training of officials and
14 others concerning the nation's total warfare. However,
15 its actual operational management was as given in the
16 following articles.

17 "All the Ministries, the army and navy, not to
18 speak of Premier KONOYE who was responsible for admin-
19 istrating this Institute and was my direct superior,
20 were scarcely interested in this Institute, therefore,
21 during my incumbency, I received no instruction, advice,
22 or suggestion concerning the business of this institute
23 from any of the above-mentioned quarters or persons.
24 Consequently, its business, in accordance with the
25 stipulations of the above-mentioned government organi-

zations, was carried out from an independent standpoint.

1 "As the first step, education and training
2 were undertaken. In instructing its students, the
3 conventional memorizing cramming system was ignored;
4 developmental and practical education was sought after.
5

6 "The main subjects of education and training
7 comprised lectures on fundamental knowledge concerning
8 various fields such as politics, economics, thought
9 and military science, physical education; theoretical
10 (hypothetical) exercises, inspections and tours were
11 utilized simultaneously.

12 "Even when I first joined the Institute, there
13 existed the training program in theoretical exercises
14 which was one of the annual functions of this Institute.
15 In carrying out this plan, no person, except staff
16 members of this Institute, gave instruction or guidance.
17 The apportioned term was about one month.

18 "The reason why current conditions were adopted
19 in our hypotheses given at the beginning of the theoret-
20 ical exercises was that if the circumstances of a period
21 other than the current had been adopted, it would have
22 been difficult for the students to imagine themselves
23 operating under assigned circumstances and to imagine
24 the hypothetic operations, particularly the intricate
25 numerical basis.

1 "The various conditions arising from the hypoth-
2 eses were no more than suppositional situations adopted
3 for the sake of exercises. The object of the exercises
4 was, not the suppositional situations themselves, but
5 training in coordinated actions based on those situations.

6 "The hypotheses and the consequent suppositional
7 situations have no connection with the actual policies
8 of the authorities concerned. It was because actual
9 matters of this sort were known to no one except the
10 authorities concerned who would never have divulged
11 them.

12 "As these exercises were partly open to the
13 public, it was impossible and not permissible to util-
14 ize the actual policies of the government.

15 "The reason why the accounts of the exercises
16 were marked 'strictly confidential' was because they
17 contained some secret national statistics.

18 "In accordance with the administrative pro-
19 cedure of the institute, the result of this research
20 was probably reported to the Cabinet which was directly
21 in charge of this Institute, but never reported it to
22 other quarters, to say nothing of the other ministries
23 or the military; we were never instructed by them.

24 "As anybody will see from a glance at the doc-
25 uments. the utilization of the results of this study in

1 actual policies was out of the question because of the
2 lack of time necessary for scrutiny and because of the
3 above stated aims.

4 "Students of this Institute, who were first
5 selected by all Ministers and certain civil organiza-
6 tions at the request of this Institute, then examined
7 by the Institute and submitted to the Cabinet, were
8 selected and formally appointed by the Cabinet as stu-
9 dents of this Institute.

10 "They were all young men whose average age was
11 about 32, and none held a responsible position in any
12 Ministry. There was one judge among them but he was
13 also a young man like the others and was in a low grade.

14 "The budget of this Institute was ¥160,000 a
15 year, and a half of it was for personal expenses and
16 the other half for office expenses. The budget was too
17 small for making any activity possible.

18 "In short, this Institute would seem to be
19 considerably important so far as its name and stipula-
20 tions in the organization were concerned, but it was,
21 in fact, nothing but an institute for educating junior
22 officials. And from various standpoints it was not
23 possible to educate them successfully. Not a single
24 result of their study was utilized in drawing up prac-
25 tical policies or war plans.

1 "With a view to obtaining assistance from var-
2 ious quarters, a councillor system was adopted by this
3 Institute in May or June, 1941; but these councillors
4 were entirely nominal personnel registered only as
5 members.

6 "We received no direction or suggestion from
7 the accused KIMURA, SUZUKI, OR HOSHINO in connection
8 with business of this Institute."

9 Any questions?

10 THE PRESIDENT: Brigadier Quilliam.

11 CROSS EXAMINATION

12 BY BRIGADIER QUILLIAM:

13 Q You were the first director, were you not,
14 of the Institute?

15 A Yes.

16 Q But for a period before your appointment the
17 accused HOSHINO acted as director, did he not?

18 A Yes.

19 Q What appointment did you hold when you were
20 appointed director?

21 A Do you mean before my appointment?

22 Q Before your appointment.

23 A I was Chief of Staff of the Quantung Army,
24 and for a short while after that I was attached to Gen-
25

1 eral Staff Headquarters.

2 Q You relinquished your appointment, did you
3 not, to take up your appointment of director?

4 A Yes.

5 Q At that time your rank was that of Lieutenant-
6 General, was it not?

7 A Yes.

8 Q And I think that when you relinquished the
9 appointment of director you were appointed to command
10 the Fifth Army in Manchuria, is that correct?

11 A Yes.

12 Q You held that appointment for about two years,
13 and then were appointed director of the Military War
14 College, is that correct?

15 A Yes.

16 Q Is it a fact that the Cabinet felt primarily
17 responsible for the establishment of the Institute?

18 A Yes.

19 Q And is it a fact, also, that the exercises
20 had as their background, I mean the exercises conducted
21 by the Institute, had as their background the internat-
22 ional and domestic situation Japan was then facing, or
23 expected to face?

24 A The students were trained with that as the basis.
25

 Q And they examined, did they not, and discussed

1 the national problems which would necessarily arise in
2 case Japan moved into the Southwest Pacific?

3 A Yes.

4 BRIGADIER QUILLIAM: That is all, thank you.

5 THE PRESIDENT: Brigadier Quilliam, didn't we
6 hear something about top secret documents in respect
7 of that Institute's operations?

8 BRIGADIER QUILLIAM: Yes, sir.

9 THE PRESIDENT: I think we will adjourn now
10 until half past one.

11 (Whereupon, at 1200 a recess was taken.)
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AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at 1330.

2
3 MARSHAL OF THE COURT: The International
4 Military Tribunal for the Far East is now resumed.
5

6 MINORU IIMURA, resumed the stand.
7

8 THE PRESIDENT: Brigadier Quilliam.

9 BRIGADIER QUILLIAM: May it please your
10 Honor, referring to the question asked by your Honor
11 just before the recess, your Honor's recollection is
12 quite correct. This is shown by exhibit 1354. This
13 exhibit shows that of ninety-eight publications of
14 the Institute, the existence of which is known to the
15 prosecution, all except three bear the classification
16 "Top Secret," "Secret," or "Confidential."

17 THE PRESIDENT: Mr. Blewett.

18 MR. BLEWETT: If the Tribunal please, Mr.
19 ABE, counsel for General KIMURA, has asked to cross-
20 examine the witness.

21 THE PRESIDENT: Cross-examine?

22 MR. ABE: I am ABE, counsel for the defendant
23 KIMURA.
24

25 THE PRESIDENT: Brigadier Quilliam.

BRIGADIER QUILLIAM: May it please the Tribunal,

1 it is submitted that this cross-examination should
2 have taken place in accordance with the rule before
3 I cross-examined.

4 THE PRESIDENT: If we thought KIMURA were
5 prejudiced and any oversight occurred we would allow
6 cross-examination, I am sure; but how is KIMURA
7 prejudiced?

8 MR. ABE: This concerns not only KIMURA
9 individually but it is concerned with the defendants
10 as a whole.

11 THE PRESIDENT: This evidence is called in
12 behalf of all the defendants. What has he said to the
13 prejudice of any defendant or accused?

14 MR. ABE: As I said before, it is not in
15 reference to KIMURA alone but concerning all the
16 defendants as a whole.

17 THE PRESIDENT: You cannot cross-examine the
18 witness called on behalf of all the accused. He has
19 said nothing hostile; he has not been declared
20 hostile. There is no occasion to do so; nobody
21 suggests he should be.

22 MR. ABE: If it please the Tribunal, during
23 the cross-examination by the prosecutor a moment ago
24 there were a few points the meaning of which were not
25 clear and I should like to clarify such points at this

1 time. There were several points in the reply to the
2 prosecutor's cross-examination which were not clear
3 and I should like to clarify this point now.

4 THE PRESIDENT: They do not affect the
5 accused KIMURA any more than anybody else and in
6 those circumstances the re-examination must be con-
7 ducted by Mr. Blewett.

8 Your application is refused.

9 MR. ABT: Yes, sir.

10 MR. BLEWETT: Mr. MIGITA, attorney for
11 Mr. HOSHINO, has asked permission to ask the witness
12 a question or two.

13 THE PRESIDENT: Brigadier Quilliam.

14 BRIGADIER QUILLIAM: May it please the
15 Tribunal, I must make the same objection.

16 MR. MIGITA: During the prosecutor's cross-
17 examination a reply was given that the defendant
18 HOSHINO was the first director of the said Institute.

19 THE PRESIDENT: It was not. He said he
20 acted as director for a time. Do you deny that?

21 MR. MIGITA: No, I do not deny that. What I
22 propose to do is to bring out the fact that when the
23 work of this said Institute actually began--

24 THE PRESIDENT: That has nothing to do with
25 your accused more particularly. It does not affect him

1 in any way as far as I can judge.

2 Your application is refused. The objection
3 is upheld.

4 Mr. Blewett.

5 MR. BLEWETT: May the witness be excused,
6 your Honor?

7 THE PRESIDENT: He is excused on the usual
8 terms.

9 (Whereupon, the witness was excused.)

10 MR. BLEWETT: I offer in evidence defense
11 document No. 592, which is a chart depicting the
12 entire Japanese military organization in December
13 1941. I shall not read any portion of the document
14 but believe it will be helpful to the Tribunal for
15 reference relative to subsequent evidence to be
16 offered.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 592
19 will receive exhibit No. 3031.

20 (Whereupon, the document above
21 referred to was marked defense exhibit
22 No. 3031 and received in evidence.)

23 MR. BLEWETT: In connection with the chart
24 I refer to the evidence of FUGITA, page 17,550
25 relative to the relations between the High Command

1 and the military administration, also to the
2 testimony of SAWAMOTO, record, page 26,415, relative
3 to the relationship between the navy High Command
4 and the administration.

5 Defense document 1251 is introduced in
6 evidence to show the respective jurisdictions and
7 responsibilities of army commander, army Chief of
8 Staff and division commander as well as the rules
9 and regulations concerning the transmission of all
10 orders and submission of daily bulletins and reports.
11 I shall read certain pertinent articles in this.

12 I offer defense document No. 1251.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If it please the Tribunal,
15 objection is made to the introduction of this document.
16 The objection is made to it in its entirety. The
17 document gives a detailed outline of the form of
18 organization of the superior headquarters and the
19 duties of each of the several branches and subdivisions,
20 for example, the army veterinarian department, the
21 army legal department, the movement of headquarters
22 while troops are operating, and the routine duties
23 of headquarters, including the form and nature of
24 reports to be made. It shows what parts are to be
25 kept in red ink and what in black ink and many other

1 details. This type of document has been repeatedly
2 rejected by the Tribunal. All countries have compar-
3 able detailed regulations for the operation of mili-
4 tary headquarters. We view it as being entirely
5 irrelevant and having no bearing on any of the issues
6 in this case.

7 THE PRESIDENT: Mr. Blewett.

8 MR. BLEWETT: If the Tribunal please, as
9 I stated, I was intending to read only a few para-
10 graphs from this document if it is accepted in
11 evidence, particularly with reference--

12 THE PRESIDENT: What use is it to us?

13 MR. BLEWETT: It shows the responsibilities
14 down through the chain of command, particularly
15 division commander and the Chief of Staff. In one
16 portion of the document there is a reference made
17 to the treatment of prisoners of war and the office
18 under whose jurisdiction they come. From out of a
19 document of thirty-nine pages I refer to but eight
20 pages, and will only read a portion of that.

21 THE PRESIDENT: The Geneva Convention fixes
22 the responsibility for prisoners of war in great detail.
23 That Convention cannot be repealed by any national
24 regulations.

25 MR. BLEWETT: A general over-all picture,

1 no doubt, your Honor; but it seems that perhaps the
2 Japanese system is a bit different from the ordinary
3 inasmuch as it seems here to come under the adjutant's
4 office.

5 THE PRESIDENT: Mr. Blewett, my attention
6 has been directed to regulation 6-b dealing with the
7 parts of documents which you propose to rely upon.

8 MR. BLEWETT: Yes, sir.

9 THE PRESIDENT: Has that been observed
10 here? The purpose of the rule is to require you to
11 serve the prosecution and the Judges with parts of the
12 documents upon which you propose to rely but here
13 we have a document of 29 pages, I think, and as far
14 as we understand, you propose to rely on only a small
15 portion of it.

16 MR. TAVENNER: If the Tribunal please,
17 rule 6-b has not been complied with but prosecution
18 did not object on that ground because we thought we
19 could dispose of the document on the objection that
20 I made.

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1 MR. BLEWETT: Sir, I did not take 6-b in
2 that way. The procedure for the past several months
3 has been the introduction of a document and the
4 reading of only portions which we thought would be
5 pertinent although the entire document was entered.

6 THE PRESIDENT: We are in this position
7 now, that we do not know which part you propose to
8 rely on, except to the extent that you have described
9 it in a few words.

10 MR. BLEWETT: As I say, the portions to be
11 read are not excerpts. It is an entire document,
12 the whole document for submission, but I was simply
13 going to read, as we have in the past, the most
14 important portions of that which I thought would be
15 more helpful to the Tribunal.

16 THE PRESIDENT: None of us have yet seen
17 anything that we think helps, although there may be,
18 as one Member of the Court thinks, some important
19 parts. State more fully, Mr. Blewett, the nature of
20 the parts on which you rely and the issues to which
21 they are relevant.

22 MR. BLEWETT: I intended to read Article 1,
23 which gives the responsibilities of the army com-
24 mander. Article 4, which refers to the army
25 administration department. Article 1 is one paragraph

1 dealing with general rules; Article 4, duties of
2 the area army headquarters; Article 7 on page 2;
3 Article 9 on the same page; and 10, which is very
4 short, dealing with the army commander and the army
5 Chief of Staff; Article 55 on page 14, dealing with
6 the division commander; Article 111 on page 31, deal-
7 ing with the transmission of orders; and 124, which
8 is the last one, on page 35, relative to documents
9 between the army commander and the division com-
10 mander.

11 THE PRESIDENT: It is all a routine matter
12 -- ordinary routine matter.

13 By a majority the Court upholds the objec-
14 tion and rejects the document.

15 MR. BLEWETT: I offer in evidence defense
16 document No. 626A-1, an excerpt from the interroga-
17 tion of General TOJO of 30 January 1946, referring
18 to military organization.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 626A-1
21 will receive exhibit No. 3032.

22 (Whereupon, the document above
23 referred to was marked defense exhibit No.
24 3032 and received in evidence.)

25 MR. BLEWETT: I shall read exhibit 3032:

1 "Answer: Yes. The former did influence
2 the latter. You must remember that the military
3 setup in Japan" --

4 THE PRESIDENT: Mr. Blewett, that answer is
5 not intelligible without knowing what was said in
6 the previous question there. What is the question?

7 MR. BLEWETT: The question had reference to
8 another matter and this is the only part that has
9 reference to the military organization.

10 THE PRESIDENT: Read it; it is admitted.

11 MR. BLEWETT: I can shorten it up:

12 "You must remember that the military setup
13 in Japan is very different from that in America.
14 The Chief of Staff is independent of the War Depart-
15 ment in matters of command, and also from the point
16 of view of organization. He is not subordinate to
17 the War Minister but is equal to him. Hence, this
18 atmosphere which permeated the Army was undoubtedly
19 communicated to the War Minister by the Chief of
20 Staff and communicated to Cabinet deliberations by
21 the War Minister. However, I repeat again that this
22 was not a clique or a faction. I might explain to
23 you the Japanese system as regards the position of
24 the Emperor, the Chief of Staff, the War Minister,
25 and the Commander in Chief of the Japanese Army.

1 All matters of command passed from the Emperor to
2 the Chief of Staff to the Commander in Chief. All
3 matters of military administration passed from the
4 Emperor via the War Minister to the Commander in
5 Chief. The Emperor could also issue Imperial
6 ordinances. At this time, the China Incident was
7 in progress and therefore a great many decisions
8 passed from the Emperor through the Chief of Staff
9 to the Commander in Chief and the Chief of Staff
10 was an exceedingly important individual. The rele-
11 vance of this explanation to the question which was
12 asked is as follows: The Chief of Staff was
13 naturally cognizant of the pro-Axis feeling in the
14 Army and necessarily informed the War Minister of the
15 fact. The latter then introduced the subject of the
16 Army's feelings into the Cabinet discussions where
17 they had some influence upon the decisions taken.
18 In Japan, the position of the Chief of Staff is not
19 at all the same as the position of the Chief of Staff
20 in America. The Chief of Staff in Japan, it is
21 true, does not attend Cabinet meetings. However,
22 his view on a multitude of matters relating to
23 strategy are conveyed to the Cabinet via the War
24 Minister and, generally speaking, he is of equal
25 standing with the War Minister and not subordinate

1 to him."

2 THE PRESIDENT: Can you supply the question
3 to which that was the answer?

4 MR. BLEWETT: I shall supply that, sir.

5 THE PRESIDENT: Have you got it handy?

6 MR. BLEWETT: I shall send for it, sir.

7 In the meantime, I offer defense document
8 No. 626A-8, which is an excerpt from the interroga-
9 tion of General TOJO of 13 March 1946, and which
10 has reference to the military chart just accepted
11 in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document 626A-8
14 will receive exhibit No. 3033.

15 (Whereupon, the document above
16 referred to was marked defense exhibit No.
17 3033 and received in evidence.)
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MR. BLEWETT: I shall read exhibit 3033.

1 "Q This is all very helpful to us as we are
2 attempting to fully understand the Japanese political
3 and military systems, and we thank you for your
4 assistance.
5

6 "A This matter of the relation of the cabinet
7 authority to that of the Supreme Command is very
8 basic. If it is not understood, nothing will be
9 understood.

10 "Q As Premier and War Minister, were you a
11 member of the Supreme Command, the Board of Marshals
12 and Fleet Admirals, and of the Supreme War Council?

13 "A As War Minister, I was not a member of the
14 Supreme Command, but I was a participant. I was con-
15 cerned with military administration but not with the
16 conduct of operations or tactics. I was not a member
17 of the Board of Marshals and Fleet Admirals. However,
18 I was, along with the Chiefs of Staff, a member of the
19 Supreme War Council.
20

21 "I am saying what follows here, not by way
22 of excuse or to avoid responsibility because I hate
23 the idea of trying to avoid responsibility. I wish
24 to take full responsibility, but this is only a factual
25 explanation of a real situation in order to assist you
in your investigation. When Prince KONOYE was Premier,

1 it was very, very difficult for him because of the
2 fact that his sphere of authority included only the
3 civil sphere. When I became Premier, since I was
4 concurrently War Minister, I had, in addition, a
5 voice in purely military matters, to wit: in military
6 administration. When I became Chief of Staff on
7 22 February 1944, soon after the fall of the
8 Marianas, I had an additional segment of authority in
9 regard to purely military affairs. In fact after
10 that, only the purely naval matters were outside of my
11 authority. As Premier, I had full responsibility for
12 civil affairs; as War Minister, I had the additional
13 military function of military administration; as Chief
14 of Staff, I had the further High Command functions of
15 operations and tactics.

16
17 "This whole matter of the actual system in
18 Japan is basic to the understanding of such things as
19 the China Incident and the matters in southern Indo-
20 China that we have talked about. At the first, the
21 government policy in regard to the China Incident was
22 that of localization. However, due to the fact of
23 the independence of the High Command, the fighting
24 kept spreading as they strove for victory. Premier
25 KONOYE had a terrible time.

"One other thing I think is important:

1 Under the Japanese system, the Emperor was assisted
2 by the following officials: Lord Keeper of the
3 Privy Seal; the Lord Chamberlain; and the Imperial
4 Household Minister. He also had a Chief Aide-de-
5 Camp. The Lord Privy Seal was the Emperor's adviser
6 on matter relating to civil affairs. The Grand
7 Chamberlain and the Imperial Household Minister had
8 no direct connection with either the civil govern-
9 ment or the Supreme Command. The Grand Chamberlain
10 was adjutant to His Majesty; as such, he had a
11 variety of duties. However, neither he nor the
12 Imperial Household Minister had any direct connection
13 with either the civil government or the High Command.
14 This was particularly true in the case of the former,
15 since he was a civil official and not a military man.
16 The Emperor's Aide-de-Camp, being a full general, had
17 unofficial access to the Supreme Command, but, under
18 the government system itself, he had actually no
19 authority for direct liaison.

20 "The Emperor did confer directly with the
21 Board of Marshals and Fleet Admirals. However, this
22 body was not very active since most of the members
23 were of advanced years. Therefore, in practice, the
24 Emperor was in a difficult position. He had no one on
25 his staff to help him on High Command matters. When

1 the Premier and the various cabinet members reported
2 to the Emperor on civil matters he could consult the
3 Lord Privy Seal. When the Chiefs of Staff reported
4 to him in regard to command problems, he had nobody
5 to consult except the Board of Marshals and Fleet
6 Admirals.

7 "The responsibility of the Premier and the
8 Foreign, War, and Navy Ministers, and the President of
9 the Planning Board, together with the Chiefs of Staff,
10 for advice to the Emperor, through the instrumentality
11 of the Liaison Conferences and Imperial Conferences,
12 was of tremendous importance. To return to the China
13 Incident, for example - the Government policy was a
14 policy of nonenlargement of the incident; neverthe-
15 less, because of the fact that the civil government
16 had no authority over the Supreme Command, the fighting
17 was in fact enlarged and the civil government was
18 powerless to prevent it."

19 Sir, the question about the response on
20 exhibit 3032 was this:

21 "Q Was there not a relation between this at-
22 mosphere in the army and the decision to sign the
23 Tripartite Pact?"
24

25 THE PRESIDENT: What atmosphere?

MR. FLEWETT: I have to go back, I suppose,

1 to the previous answer.

2 THE PRESIDENT: Give us enough to make the
3 answer intelligible.

4 MR. BLEWETT: Sir, just prior to that they
5 were talking about officers, and the question preceded
6 ing that which called for quite a lengthy answer was:

7 "Q Was there not a large number of army officers
8 who were pro-Axis?"

9 Now, in answer to that:

10 "A A majority of officers' opinion was pro-
11 Axis for a variety of reasons. One important reason
12 was that the Japanese had followed the Prussian mili-
13 tary system since the time of the Franco-Prussian War.
14 Before that they had followed the French system.
15 During World War I, even though Germany was defeated,
16 generally speaking German military strategy and
17 tactics were considered excellent. A second reason
18 was the diplomatic isolation which I spoke of yesterday.
19 A third reason was that the military situation had
20 developed in a manner comparatively favorable to the
21 Axis, and this had a bearing on the decision."
22

23 THE PRESIDENT: Did the prosecution give that
24 answer?

25 MR. BLEWETT: The accused gave the answer.
That was the answer by General TOJO.

1 THE PRESIDENT: Did the prosecution tender it?

2 MR. BLEWETT: No, sir.

3 There is a small portion of the answer re-
4 maining:

5 "I wish to emphasize, however, that there was
6 such a pro-Axis atmosphere in army; there was no fac-
7 tion or clique."

8 I offer in evidence defense document 1501,
9 the affidavit of Alfred F. Kritschmer, former German
10 Military Attache in Japan, which concerns the be-
11 stowal of German military decorations on Japanese
12 Army officers.

13 I understand the prosecution has waived cross-
14 examination of this witness.

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: As this witness was desired
17 for repatriation we waived cross-examination.

18 MR. BLEWETT: I offer in evidence defense
19 document 1501.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1501
22 will receive exhibit No. 3034.

23 (Whereupon, the document above
24 referred to was marked defense exhibit
25 No. 3034 and received in evidence.)

1 MR. BLEWETT: I shall read exhibit 3034:

2 "Concerning German decorations for Japanese
3 Army officers:

4 "I was German military attache in Tokyo
5 from December 4, 1940 until May 8, 1945.

6 "The German Foreign Office was competent to
7 grant my request made through the German Ambassador
8 for the bestowal of German decorations upon Japanese
9 Army officers. The General Foreign office was very
10 reserved in granting such orders. Its reluctance was
11 caused by two reasons:

12 "1. It wished to limit as much as possible
13 the number of German decorations bestowed upon
14 foreigners in order to increase the value of the
15 Order of the German Eagle, it being the only decora-
16 tion destined to be granted to foreigners in diplo-
17 matic courtesy routine.

18 "2. The German Foreign Office aspired to
19 full reciprocity from the Japanese side. The German
20 request was refused by the Japanese Foreign Office
21 which always pointed to the fact that the different
22 classes of the German Eagle were bestowed upon foreign-
23 ers only, while on the other hand the Japanese decora-
24 tions, Rising Sun and Sacred Treasure, were worn by
25 Japanese as well as by foreigners.

1 "Neither the German Ambassador nor I re-
2 garded the maintenance of reciprocity in number be-
3 tween German and Japanese decorations which was so
4 strictly required by the German Foreign Office as
5 essential. I was much more interested in the creat-
6 ing and maintenance of a favorable atmosphere sur-
7 rounding the Japanese officers who were assigned to
8 work with me. The desired atmosphere was enhanced
9 by the bestowal of occasional decorations. Sometimes
10 the Japanese War Ministry or General Staff mentioned
11 to me which officers they wished to be distinguished
12 by a German decoration. Most times such hints coin-
13 cided with my own intentions. Usually, the Japanese
14 officers thus mentioned to me for a German decoration
15 did not know anything about it themselves and were
16 often surprised when they received the order. I
17 regarded these mutual German and Japanese decorations
18 neither as a reward nor as a bribery but as an act of
19 diplomatic courtesy without much significance.

20
21 "To overcome the aforementioned resistance
22 of the German Foreign Office, I regarded it necessary
23 to word the arguments for German decorations upon
24 Japanese officials in somewhat exaggerated terms.
25 Which class of the German and Japanese decorations
(second class, third class, cross, grand cross) was

1 to be recommended depended in pursuance of the
2 statutes of the orders, first and foremost upon the
3 rank of the officer to be honored and not on his
4 more or less important personal merits. This fact
5 created a paradox in that it was impossible to
6 decorate German or Japanese lieutenant colonels
7 because the German and Japanese Foreign Office had
8 not been able to agree not to classify them, whether
9 as colonels or as majors.

10 "In regard to the German Embassy's tele-
11 gram of May 17, 1942, the wording of the telegram
12 was not made by me. I had handed Ambassador Ott my
13 proposals for orders to be conferred upon General
14 SUGIYAMA, Lt. Gen. KIMURA, Lt. Gen. MUTO, Maj. Gen.
15 SATO, and some other officers not entered into this
16 telegram.

17 "I had proposed these officers more on
18 account of their position in the Japanese Army than
19 because of their special accomplishment in favor
20 of the German Army. Other officers in corresponding
21 positions, for instance Maj. Gen. OKAMOTO, then
22 Chief of Staff, in charge of G-2 department of the
23 General Staff, had not been recommended by me as
24 they had already received the German decoration.
25

"That I asked for a decoration for Lt. Gen.

1 KASIMARA, I do not remember. I do not remember the
2 wording of my proposals for the aforementioned four
3 officers handed by me to the Ambassador, but I must
4 have been close to the wording chosen by him in
5 paragraphs 3-6 of the telegram. In order to over-
6 come the German Foreign Office's reluctance, I
7 regarded the superlative to be necessary where
8 the positive would have been more correct and more
9 correspondent to the simple reality. And the
10 Ambassador added superlatives in his additional
11 explanations."

12 Signed, "Kretschmer."

13 We offer in evidence defense document
14 No. 2131, which is the formal agreement between
15 Thailand and Japan of an offensive and defensive
16 alliance.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 2131
19 will receive exhibit No. 3035.

20 (Whereupon, the document above
21 referred to was marked defense exhibit
22 3035 and received in evidence.)

23 MR. BLEWETT: I shall read exhibit 3035.

24 "The undersigned, duly authorized by their
25 respective Governments, agree as follows:

1 "1. In order to cope with the urgent
2 situation in the East Asia, Thailand shall give
3 to Japan the permission of passage by the Japanese
4 forces through the Thai territory and giving of all
5 necessary facilities for the said passage as well
6 as immediate execution of measures to avoid every
7 possible conflict which may arise between the
8 Japanese and the Thai forces.

9 "2. The particulars for the execution of
10 the precedent paragraph shall be agreed upon between
11 the military authorities of the two countries.

12 "3. Japan shall guarantee that the inde-
13 pendence, sovereignty and honour of Thailand be
14 respected.

15 "Done, in duplicate, at Bangkok on the 8th
16 December, 1941."

17 Page 2 of that exhibit:

18 "At Bangkok, Dec. 8, 1941.

19 "Your Excellency TSUBOKAMI, Teiji, the
20 Japanese Ambassador:

21 "I have duly received Your Excellency's
22 note dated this day notifying me to the following
23 effect.
24

25 "I hereby inform you for caution's sake
that I have affixed my signature to the agreement

1 which has been signed this day between the Govern-
 2 ment of Japan and Thailand.

3 "And I suggest that the Government of
 4 Japan will take adequate measures necessary for con-
 5 firming the above agreement as soon as possible."

6 "I propose as follows:

7 "DIRECT EXAMINATION."

8 "BY MR. BLANKET:

9 "Q Will you please give us your name and
 10 address?"

11 "A My name is JOHN, BROWN. My address, 123
 12 Broadway, New York, New York."

13 "Q May the witness be sworn, please?"
 14 "A Yes, please. Is that your affidavit and do
 15 you sign it?"

16 "A Yes, please. I signed it."

17 "Q Are the contents thereof true and correct?"

18 "A Yes, they are."

19 "BY MR. BLANKET: I offer the foregoing as

20 evidence in this case."

21 "THE PROSECUTOR: I submit that the above is

22 a true and correct statement of the facts in this

23 case and I request the Court to accept the same as

24 evidence in this case."

25 "THE COURT: The evidence is accepted and will be

1 MR. BLEWETT: I call the witness AKANE.

2 - - -

3 K A Z U O A K A N E, called as a witness on
4 behalf of the defense, being first duly
5 sworn, testified through Japanese inter-
6 preters as follows:

7 DIRECT EXAMINATION

8 BY MR. BLEWETT:

9 Q Will you please give us your name and
10 address?

11 A My name is AKANE, Kazuo. My address, 351
12 1-chome, Tamagawa, Okuzawa-machi, Setagaya-ku, Tokyo.

13 Q May the witness be shown defense document
14 No. 1665, please. Is that your affidavit, and did
15 you sign it?

16 A It is mine. I signed it.

17 Q Are the contents therein true and correct?

18 A Yes, they are.

19 MR. BLEWETT: I offer defense document
20 No. 1665 in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1665
23 will receive exhibit No. 3036.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

No. 3036 and received in evidence.)

MR. BLEWETT: I shall read exhibit 3036.

"I was formerly a captain in the navy.

"From September, 1941, to August, 1943, I was staff officer of the Shanghai District Naval Base Force and concurrently staff officer of the Shanghai Special Landing Force, both of which units were under the command of the China Area Squadron. I participated in the planning of operations in general in the Shanghai area.

"The opening of operational movements involving the above forces on 8 December 1941 was as follows.

"a. In compliance with orders issued by the Commander of the China Area Squadron, internal preparations had been made a few days before the outbreak of war to provide against emergencies. All forces were standing by for immediate action. However, absolutely no information was provided as to date and hour on commencing operations, until such time as orders were received from Commander of the China Area Squadron.

"The hour to commence operations was to be indicated separately.

"b. The occupation of the International

1 Settlement in Shanghai was conducted chiefly by
2 units attached to the Shanghai Special Landing Force
3 from around 10:00 or 11:00 a.m. 8 December, Tokyo time,
4 the same hereinafter; merchantmen in waters around
5 Shanghai was carried out by units attached to the
6 Shanghai District Naval Base Force from around 5:00 a.m.
7 the same day.

8 "I was senior staff officer of both the
9 Fandking Force and Naval Base Force, and the commence-
10 ment of operations was effected after orders to
11 commence action had been received (by phone) from China
12 Area Squadron Headquarters.

13 "From memory, I can explain on a sketch map
14 as hereto attached the condition of the waterfront
15 area of Shanghai, before and after the day when opera-
16 tions began."

17 You may question.

18 MR. TAVENNER: If the Tribunal please, the
19 prosecution relies upon certain prosecution exhibits
20 with reference to the matters testified to by this
21 witness.

22 THE PRESIDENT: Your exhibits go back to 045.

23 MR. TAVENNER: The exhibits referred to are
24 the affidavit of Mr. Parr, exhibit 1227, page 10,608;
25 the testimony of Mr. Powell, 3,255 of the transcript;

1 the testimony of Mr. Crowder -- or, rather, his
2 affidavit, exhibit 1228, page 10,613 of the trans-
3 cript; and exhibit 1222, page 10,544, items 9 and 18.

4 THE PRESIDENT: Do they show the attack on
5 the Bund as being at a quarter to one in the morning?

6 MR. TAVENNER: Yes, sir; these affidavits show
7 the initiation of the attack at the Bund, as well as
8 the operation against the Wake and the Petrel.

9 THE PRESIDENT: Mr. Blewett.

10 MR. BLEWETT: May the witness be excused, sir?

11 THE PRESIDENT: He is excused on the usual
12 terms.

13 (Whereupon, the witness was excused.)

14 MR. BLEWETT: I call the witness YAMAMOTO.

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1 Y O S H I O Y A M A M O T O, called as a wit-
2 ness on behalf of the defense, being first
3 duly sworn, testified through Japanese
4 interpreters as follows:

DIRECT EXAMINATION

BY MR. BLEWETT:

Q What is your name and address, please?

A My name is YAMAMOTO, Yoshio. My address,
9 443, 2-chome, Koenji, Suginami-ku, Tokyo.Q May the witness be shown defense document
11 No. 1666. Is that your affidavit, and have you
12 signed it?

A It is my affidavit. My signature is on it.

Q Are the contents therein true and correct?

A They are.

MR. BLEWETT: I offer in evidence defense
17 document No. 1666.

THE RESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, your
20 attention is directed to the middle paragraph on
21 page 3 relating to the number of persons killed on
22 the Petrel. Objection is made to that part of the
23 paragraph beginning with the words, "If it is true..."
24 on the ground that it is an effort to forswear the
25 issues in the case.

1 "3. In conformity with this order, the
2 Chinese Area Squadron passed instructions to forces
3 under its command, to commence operations only after
4 direct report on the Pearl Harbor attack by the
5 Combined Squadron had been received.

6 "4. Prior to issuing this instruction,
7 preparations were made to cope with any emergency
8 which may arise. However, the date and hour to com-
9 mence military operations was kept in absolute secrecy
10 to all forces under our command. Therefore, all
11 forces under the command of the squadron, made prepa-
12 rations and stood by in readiness until orders to
13 commence operations were received.

14 "5. As I have already stated, we had re-
15 ceived orders strictly prohibiting the beginning of
16 operations prior to the Pearl Harbor attack. There-
17 fore, we acted in obedience to that order.

18 "It was after report had been received by
19 radio at Squadron Headquarters, to the effect that
20 'we were successful in the attack against Hawaii,' when
21 orders to commence operations were communicated to
22 forces under our command.

23 "6. I shall next make a statement on the
24 attack against the British warship Petrel.

25 "Around 0520 hours 8 December 1941 (Tokyo

1 time; following hours will be the same) the commander
2 of the Chinese Area Squadron dispatched emissaries to
3 the U. S. Warship Wake and the British Warship Petrel.
4 The emissaries explained to the effect that Japan had
5 entered a state of war with the U. S. and Britain.
6 They advised the commanding officers of these war-
7 ships to surrender their ships and crew. Moreover,
8 if our terms were not accepted they warned them of an
9 inevitable attack.

10 "As the Petrel did not accept our terms it
11 was attacked and sunk. Viz: Around two hours prior
12 to the attack, Japan and Britain had entered a state
13 of belligerence. Despite the fact sufficient
14 measures were dealt out to avoid any unnecessary
15 bloodshed, due to the reason the commanding officer
16 of the Petrel refused to accept our terms, the attack
17 was unavoidably effected.

18 "The U. S. Warship Wake, which faced exactly
19 the same predicament escaped the attack because it
20 accepted our lawful disposal.

21 "As a result of this attack, three naval
22 service men on board the Petrel were killed.

23 "7. To explain details concerning the
24 attack, it is as follows.

25 "A few minutes after 0330 hours on 8 December

1 1941, the Chinese Area Squadron Headquarters received
2 confirmed reports on the Pearl Harbor attack and the
3 landing operations on the Malayan Peninsula. Immediately
4 two emissary boats were prepared at the wharf in
5 front of our headquarters. Commander Inaho OTANI
6 and Lt. Commander Sakuji MATSUMOTO, who were both
7 staff officers attached to Squadron Headquarters,
8 boarded the emissary boats. Hoisting a flag of
9 truce the emissaries departed at 0515 hours for the
10 British Warship Petrel, and the U. S. Warship Wake.
11 Commander OTANI who headed for the Petrel reached the
12 ship a few minutes before the other emissary. He
13 presented to the commanding officer of the Petrel, a
14 letter written in English to the following effect.

15 "Today, just now, Japan has entered a state
16 of war with the U. S. and Britain. We advise you and
17 your ship and crew to surrender to the Japanese Navy.
18 If you refuse to accept our terms we shall immediately
19 commence hostile actions.'

20 "That was the contents of the letter of advice
21 addressed to the commanding officer of the Petrel from
22 the commander of the Chinese Area Squadron, Admiral
23 KOGA. The report made by the emissary was as follows.

24 "The captain of the Petrel was absent when
25 we arrived. An officer who apparently was (but not

1 certain) the second in command was on duty as senior
2 officer on board. His reply was, "The captain of
3 this ship is away at present and we cannot answer."
4 Whereupon our emissary said, "In the absence of the
5 captain, the senior officer who is present should
6 naturally take charge of the ship. Is it not the
7 same with the British Navy?" Our emissary requested
8 an answer. The senior officer present replied, "No,
9 we will not surrender" and refused to accept our sur-
10 render terms. Therefore, the emissary said, "Then
11 we shall attack." He left the ship and immediately
12 fired a red very-pistol according to previous arrange-
13 ments.

14 "When members of the Squadron Headquarters
15 saw this signal, it was contrary to general expecta-
16 tions and some even thought the signal was a mistake.
17

18 "But upon confirming it was not a mistake,
19 order to open attack was communicated to all nearby
20 forces. At the order to open fire, the gunboat Toba,
21 destroyer Hasu, etc. went into action and within two
22 or three minutes the Petrel burst into flames.

23 "The officer commanding the attack was Vice-
24 Admiral MAKITA, Commander of the Shanghai Base Corps.
25 After first firing a few shots, the Commander

(Vice-Admiral MAKITA) ordered a temporary cease-firing. The attack was soon resumed. In approximately ten minutes, the Petrel sank. According to the report from Vice-Admiral MAKITA later on, I learned the reason why he ordered a temporary suspension of firing. It was to ascertain whether or not the Petrel would then surrender, and thereby refrain from unnecessary shell-
ing.

"However, the guns mounted on the Petrel were being trained against our ships and her crew was observed taking a defiant attitude and so the attack was resumed."

THE PRESIDENT: We will now recess for fifteen minutes.

(Whereupon, at 1445, a recess was taken until 1500, after which the proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Blewett.

4 MR. BLEWETT: If the Tribunal please, I am
5 on the bottom of page 5:

6 "8. Emissary Lt.-Comdr. MATSUMOTO reached
7 the U.S. warship Wake only a few minutes after
8 Commander OTANI reached the Petrel. It was witnessed
9 by the members of Squadron Headquarters. The report
10 of the emissary to the U.S. warship Wake is summarized
11 as follows.

12 "In almost the same manner as in the case
13 of the Petrel the letter advising surrender was de-
14 livered to the Captain of the Wake. (I remember the
15 Captain of the Wake being present.) The Captain of the
16 Wake hesitated at first to make a reply, but after a
17 while answered, "Yes," and accepted our terms. There-
18 fore, our emissary left the ship and fired a white-
19 signal very-pistol. Members of the Area Squadron
20 Headquarters breathed a sign of relief when they saw
21 the signal.'

22 "9. Later on, according to the story of one
23 crew member of the Petrel, when the attack began, the
24 crew members jumped into the river and swam ashore to
25 seek shelter on nearby 'Paoton.' The greater majority

1 of the crew was saved but it was said that three
2 were either killed or wounded. (Memory on figure
3 of deaths and injuries is uncertain.)

4 "10. Summarizing the whole situation, the
5 operation of hostile actions against the British
6 warship Petrel at Shanghai was carried out fair and
7 square, faithfully abiding by international law.
8 Moreover, utmost effort had been exerted with a
9 view to minimize the inflicting of unnecessary
10 casualties.

11 "11. Now I shall state about the advance
12 upon the international settlement south of the Soochow
13 River.

14 "Around 0700 hours on Dec. 8, 1941, in
15 order to make a previous arrangement with the author-
16 ities of the Shanghai-Municipal Council concerning the
17 advance on the international settlement, Consul-
18 General HORIUCHI, as delegate of Japan visited the
19 Municipal Council, accompanying Colonel SAKATA, staff-
20 officer of the 13th corps and Rear-Admiral HARA, sub-
21 chief of staff of the China Sea Fleet, in the capacity
22 of representatives of the army and navy respectively.

23 "About one hour later, together with the
24 Commander-in-Chief, I heard the report of Rear-Admiral
25 HARA. According to his report the authorities of the

1 Municipal Council agreed to our intentions to advance
2 the troop, peacefully and further expressed the in-
3 tention to the effect that the Municipal Council
4 itself would endeavor to preserve public order and
5 also would cooperate with us in advancing. The
6 arrangement fixed 1100 hours as the time of starting
7 of advance.

8 "In conformity to this prearrangement, at
9 1100 just the military and naval troops crossed over
10 the Soochow River, entered the international Settle-
11 ment and seized the buildings necessitated. Even if
12 the troops were in arms, they advanced as in usual
13 marching formation."

14 Any questions?

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: If the Tribunal please, the
17 prosecution desires to refer to the same documents,
18 prosecution documents in evidence as referred to in
19 connection with exhibit 3036, in consideration of
20 which we do not desire to cross-examine.

21 MR. BLEWETT: If the Tribunal please, a sworn
22 deposition has -- oh, pardon me.

23 May the witness be excused?

24 THE PRESIDENT: He is excused on the usual terms.

25 (Whereupon, the witness was excused.)

1 receive exhibit No. 3038-A for identification only.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 No. 3038-A for identification.)

5 MR. BLEWETT: "The second is the Secret-Great-
6 Diary of the War Ministry, 1931, Volume VI," marked
7 "Document B." I offer that for identification only.

8 CLERK OF THE COURT: Document B will receive
9 exhibit No. 3038-B for identification only.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 3038-B for identification.)

13 MR. BLEWETT: "The third is the File of
14 Permanent Records of the War Ministry, 1931, Otsu,
15 Section 3," marked "Document C," which I offer for
16 identification only.

17 CLERK OF THE COURT: Document C will receive
18 exhibit No. 3038-C for identification only.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 3038-C for identification.)

22 MR. BLEWETT: "The fourth is Item No. 379
23 (1 bundle), according to the number given by the Wash-
24 ington Document Center. It is entitled as the Army-
25 Asia-Secret-Great-Diary, 1942, Volume V," marked

1 "Document D," which I offer for identification.

2 CLERK OF THE COURT: Defense document D will
3 receive exhibit No. 3038-D for identification only.

4 (Whereupon, the document above
5 referred to was marked defense exhibit
6 No. 3038-D for identification.)

7 MR. BLEWETT: "The fifth and sixth are the
8 Manchuria-Incoming-Great-Diary ordinary of the War
9 Ministry, 1931, parts I and III," marked "Documents E
10 and F," which I offer for identification.

11 CLERK OF THE COURT: Defense documents E and
12 F will receive exhibit Nos. 3038-E and F for identi-
13 fication only.

14 (Whereupon, the documents above
15 referred to were marked defense exhibit
16 Nos. 3038-E and 3038-F for identification.)

17 MR. BLEWETT: "The seventh is the Manchuria-
18 Secret-Great-Diary of the War Ministry, 1931, Volume I,"
19 marked "Document G," which I offer for identification.

20 CLERK OF THE COURT: Defense document G will
21 receive exhibit No. 3038-G for identification only.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 3038-G for identification.)

25 MR. BLEWETT: "The eighth is the Secret-Great-

1 Diary of the War Ministry, 1931, Volume II," marked
2 "Document H," which is offered for identification.

3 CLERK OF THE COURT: Defense document H will
4 receive exhibit No. 3038-H for identification only.

5 (Whereupon, the document above
6 referred to was marked defense exhibit
7 No. 3038-H for identification.)

8 MR. BLEWETT: "The ninth is the Secret-Great-
9 Diary of the War Ministry, 1931, Volume III," which is
10 marked "Document I," is offered for identification.

11 CLERK OF THE COURT: Defense document I will
12 receive exhibit No. 3038-I for identification only.

13 (Whereupon, the document above
14 referred to was marked defense exhibit
15 No. 3038-I for identification.)

16 MR. BLEWETT: "The tenth is the Secret-Great-
17 Diary of the War Ministry, 1931, Volume V," marked
18 "Document J," which is offered for identification.

19 CLERK OF THE COURT: Defense document J will
20 receive exhibit No. 3038-J for identification only.

21 (Whereupon, the document above
22 referred to was marked defense exhibit
23 No. 3038-J for identification.)

24 MR. BLEWETT: (Reading)

25 "I certify hereby that all the above documents

1 were formerly kept at the War Ministry and later
2 delivered to the Washington Document Center."

3 These are all documents that have been for-
4 warded to defense counsel in accord with Order 963 and
5 964. A search is being made for additional documents
6 which will be presented upon their receipt.

7 Mr. Freeman will now present the next subdivision
8 in the Pacific War and will give his opening statement.

1 THE PRESIDENT: Mr. Freeman.

2 MR. FREEMAN: If the Tribunal please, we now
3 go to sub-division V of the Pacific Phase relative to
4 treatment of prisoners of war and civilian internees.

5 The horridness of war has ever been recog-
6 nized, but from time immemorial mankind has been be-
7 set with its evilness spreading among the peoples of
8 every nation a frenzied hatred which knows no bounds
9 of control. The consequence is that man perpetrates
10 upon his fellow man, during this blazing inferno of
11 madness, such treatment as cannot be reconciled with
12 the dictates of civilization.

13 Admitting for the moment this premise, we
14 come to the appalling complex task now facing this
15 Tribunal of adjudicating whether these men here on
16 trial are chargeable with certain acts of misconduct
17 committed by the armed personnel of their country.

18 The prosecution has alleged in the Indictment
19 that the accused participated as leaders, organizers,
20 instigators or accomplices in the formulation or
21 execution of a common plan or conspiracy, the object
22 of which was to procure and permit crimes against
23 peace, crimes against humanity and conventional war
24 crimes, including murder on a wholesale scale of
25 prisoners of war, members of the armed forces of

1 countries opposed to Japan who lay down their arms,
2 and civilians who might be in the power of Japan on
3 land or sea in territories occupied by Japan, and
4 crews of ships destroyed by Japanese forces. The
5 Indictment further alleges that all or part of the
6 accused authorized or permitted the Japanese naval
7 and military forces in each of the several theaters
8 of war in which Japan was engaged frequently and
9 habitually to commit breaches of the law and customs
10 of war as contained in Appendix D, which appendix
11 cites certain articles of the Hague Convention of
12 1907 relative to the customs of war on land and the
13 treatment of prisoners of war.

14 The accused categorically deny each and
15 every allegation contained in the Indictment dealing
16 with this entire subject matter. Evidence will be
17 offered to show that Articles 7 and 8 of Chapter 2
18 of the Hague Convention referred to in this appendix
19 were conformed to in every detail. Evidence will be
20 further offered to show that Japan never at any time
21 ratified the Geneva Convention of 1929 concerning the
22 treatment of prisoners of war and civilians. And
23 furthermore, evidence will be offered to show the
24 reasons why these articles were not ratified. It will
25 be shown that due to differences in customs, habits

1 and military discipline, it was impossible for Japan
2 in good faith to ratify these articles. Japan was,
3 of course, bound by the Hague Convention of 1907.
4 Moreover, upon request of the United States and Britain,
5 Japan undertook to apply mutatis mutandis the provisions
6 of the Geneva Convention. Evidence will be offered to
7 show in what manner the giving of this answer to the
8 British and American Governments was decided upon. It
9 will be shown that Japan endeavored with every possible
10 means at its command to carry out the Hague Convention
11 referred to above, and to apply the Geneva Convention
12 so far as circumstances permitted, and that if there
13 was any failure on the part of Japan to comply with
14 said articles, it was due to the unrestricted sub-
15 marine warfare and bombing of ships by the Allied
16 Powers. It will be shown by graphs and affidavits
17 that from the beginning of the war to the end, the
18 Allied Powers had destroyed over 80% of the Japanese
19 merchant marine due to this unrestricted warfare.
20 Evidence will be offered to show that the prisoners
21 of war and civilian internees received not only as
22 good food and medical treatment as members of the
23 Imperial Army, but were better treated than Japanese
24 nationals. Affidavits and documents will be offered
25 in evidence to show that former prisoners of war and

1 civilian internees received as good treatment as
2 possible under the existing circumstances and the
3 depleted resources of Japan. It will be further
4 shown that in instances where any mistreatment occurred,
5 the person committing the act was summarily disciplined
6 and punished.

7 Specifically, it will be shown that at the
8 outbreak of the war in the Pacific or soon thereafter,
9 the Prisoner-of-War Information Bureau was set up to
10 facilitate the handling and care of prisoners; that
11 in order to coordinate this work, the head of the POW
12 Administration Bureau within the War Ministry was concurrently
13 head of the Prisoner-of-War Information
14 Bureau. Thereafter instructions were drawn up and
15 issued to all POW commanders in keeping with the Hague
16 Convention and insofar as practicable, with the Geneva
17 Convention of 1929. At no time were there any instructions
18 given that could even remotely be interpreted to
19 permit mistreatment of prisoners of war. On the contrary,
20 the instructions, as will be shown by the evidence,
21 continuously stressed the necessity at all times
22 of being mindful of the prisoners of war and civilian
23 internees' welfare.

24 "Evidence will be offered to show that POW
25 camps were controlled by the camp commanders and that

1 none of the accused, individually or collectively,
2 was in a position to direct the camp commanders, other
3 than in accordance with regulations for administration
4 issued by the War and Navy Ministries. It will be
5 shown that those in charge of these camps recognized
6 the racial and climatic differences of the prisoners
7 from the natives and constantly endeavored to improve
8 sanitary and health conditions surrounding the camps.

9 Evidence has already been submitted showing
10 that with few exceptions the navy maintained facilities
11 for caring for POW's only on a temporary basis and
12 that as soon as feasible, POW's taken by the navy were
13 transferred to army POW camps. Evidence will be offer-
14 ed to show that while the navy was so temporarily in-
15 volved with the care of POW's they did everything to
16 provide the best available facilities for them. It
17 will be further shown that the alleged mistreatment
18 of POW's on Wake Island took place without any know-
19 ledge on the part of the Navy High Command.

20 Evidence will be offered to show that during
21 the war Japan's communication and transportation system
22 was so destroyed and emasculated that it was absolutely
23 impossible to maintain even a semblance of contact or
24 control. Finally, affidavits and documents will be
25 offered in evidence to show that the lack of food and

1 medical supplies was the primary cause of the suffer-
2 ing of not only POW's and civilian internees but of
3 the entire Japanese people. Taking into consideration
4 the racial, climatic and economic differences, the
5 treatment accorded the majority of those interned,
6 whether military or civilian, was under the circum-
7 stances then existing, fair and in accordance with
8 the international agreements. Of the mistreatments
9 that might have occurred we shall prove that these
10 accused had no connection whatsoever therewith but on
11 the contrary that they did what they could to prevent
12 them and finally, that the charge of conspiracy
13 levelled against these accused has no basis in fact.

14 I now refer to exhibit No. 15, which is
15 "Treaties Governing Land Warfare." Certain sections
16 will be read to show the difference between the regu-
17 lations relative to the treatment of prisoners of war
18 of the Hague Convention of 1907 and the Geneva Con-
19 vention of 1929, which will be used as a basis to
20 indicate later why Japan felt it impossible to ratify
21 the 1929 Geneva Convention.

22 On page 17, article 7:

23 "The Government into whose hands prisoners of
24 war have fallen is charged with their maintenance.

25 "In the absence of a special agreement between

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1 MR. FREEMAN: I now read from page 73, articles
2 10, 11, 12, of the 1929 Geneva Convention:

3 "Article 10. Prisoners of war shall be lodged
4 in buildings or in barracks affording all possible guar-
5 antees of hygiene and healthfulness.

6 "The quarters must be fully protected from
7 dampness, sufficiently heated and lighted. All precau-
8 tions must be taken against danger of fire.

9 "With regard to dormitories -- the total sur-
10 face. minimum cubic amount of air, arrangement and
11 material of bedding -- the conditions shall be the same
12 as for the troops at base camps of the detaining Power."

13 "Article 11. The food ration of prisoners of
14 war shall be equal in quantity and quality to that of
15 troops at base camps.

16 "Furthermore, prisoners shall receive faciliti-
17 es for preparing themselves, additional food which they
18 might have.

19 "A sufficiency of potable water shall be fur-
20 nished them. The use of tobacco shall be permitted.
21 Prisoners may be employed in the kitchens.

22 "All collective disciplinary measures affect-
23 ing the food are prohibited."

24 "Article 12. Clothing, linen and footwear
25 shall be furnished prisoners of war by the detaining

1 Power. Replacement and repairing of these effects must
2 be assured regularly. In addition, laborers must re-
3 ceive work clothes wherever the nature of the work
4 requires it.

5 "Canteens shall be installed in all camps
6 where prisoners may obtain, at the local market price,
7 food products and ordinary objects."

8 I now read Article 86, at page 113:

9 "The High Contracting Parties recognize that
10 the regular application of the present Convention will
11 find a guaranty in the possibility of collaboration of
12 the protecting Powers charged with safeguarding the
13 interests of belligerents; in this respect, the pro-
14 tecting Powers may, besides their diplomatic personnel,
15 appoint delegates from among their own nationals or
16 from among the nationals of other neutral Powers. These
17 delegates must be subject to the approval of the bellig-
18 erent near which they exercise their mission.

19 "Representatives of the protecting Power or its
20 accepted delegates shall be permitted to go to any place,
21 without exception, where prisoners of war are interned.
22 They shall have access to all places occupied by pris-
23 oners and may interview them, as a general rule without
24 witness, personally or through interpreters."
25

I now read from page 117, Articles 91, 92, 93,

94 and 95:

1 "Article 92. The present Convention shall be-
2 come effective six months after the deposit of at least
3 two instruments of ratification.

4 "Subsequently, it shall become effective for
5 each High Contracting Party six months after the deposit
6 of its instrument of ratification."

7 "Article 93. From the date on which it becomes
8 effective, the present Convention shall be open for
9 adherences given on behalf of any country in whose
10 name this Convention was not signed."

11 "Article 94. Adherence shall be given by
12 written notification addressed to the Swiss Federal
13 Council and shall take effect six months after the
14 date of their receipt.

15 "The Swiss Federal Council shall communicate
16 adherences to the Governments of all the countries
17 on whose behalf the Convention was signed or notifi-
18 cation of adherence made."

19 "Article 95. A state of war shall give immed-
20 iate effect to ratifications deposited and to adher-
21 ences notified by belligerent Powers prior to or after
22 the outbreak of hostilities. The communication of
23 ratification or adherences received from Powers at war
24 shall be made by the Swiss Federal Council by the most
25 rapid method."

1 I now read from exhibit 1490, where Japan
2 agreed to apply the Geneva Convention mutatis mutandis
3 to American prisoners:

4 "(1) Japan strictly observes the Geneva Con-
5 vention of July 27, 1929 relative to the Red Cross,
6 as a signatory of that Convention.

7 "(2) The Imperial Government has not yet ratified
8 the Convention relating to treatment of prisoners of
9 war of 27 July 1929. It is therefore not bound by
10 the said Convention. Nevertheless it will apply mutatis
11 mutandis the provisions of that Convention to American
12 prisoners of war in its power."

13 I now read one paragraph from Exhibit 1496,
14 which likewise agrees to apply mutatis mutandis the pro-
15 visions of the Geneva Convention to British, Canadian
16 and Australian prisoners of war under Japanese control:

17 "1. The Imperial Government has not ratified
18 the agreement in question and therefore it would not be
19 bound to any extent by the said agreement, but would
20 apply mutatis mutandis the provisions of the said agree-
21 ment toward the British, Canadian and Australian and
22 New Zealand prisoners of war under Japanese control."

23 "Signature of the Minister."
24

25 I now read the last paragraph of Exhibit 1471,
which indicates the difference in living conditions of

1 the Japanese as against those of America:

2 "Foreign Ministry assures me Japan will do
3 all in its power to extend good treatment but is not
4 in a position to offer standard of living equal to that
5 of American for conditions between two countries are so
6 different. Japanese people are poor and contented with
7 little, from which facts arise difficulties concerning
8 treatment of foreign internees. Regarding non-interred
9 Americans, situation good according to their own state-
10 ments. Assure American Government that I am attentive-
11 ly following question both with Foreign Office and with
12 my representatives."
13

14 We will call the witness MATSUMOTO.

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1 SHUN-ICHI MATSUMOTO, called as a
2 witness in behalf of the defense, being first
3 duly sworn, testified through Japanese inter-
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. MATSUMOTO, will you give us your full
8 name and address?

9 A My name is MATSUMOTO, Shun-Ichi. My address
10 is 639 Yukigaya-cho, Ota-ku, Tokyo.

11 MR. FREEMAN: May the witness see defense
12 document 1083 revised?

13 (Whereupon, a document was handed to the
14 witness.)

15 Q Is that your affidavit and have you signed
16 it?

17 A This is undoubtedly mine.

18 Q Are the contents therein true?

19 A They are true.

20 MR. FREEMAN: I now offer in evidence defense
21 document 1083 revised.

22 THE PRESIDENT: Colonel Mornane.

23 COLONEL MORNANE: If it please the Tribunal,
24 the prosecution objects to the second paragraph on
25 page 2 of the document and the last paragraph on that

1 page.

2 The second paragraph purports to show the
3 reason why Japan did not ratify the Geneva Conven-
4 tion and the reason why it did not apply the Geneva
5 Convention without reserve with regard to the war.

6 THE PRESIDENT: They are giving their reasons
7 why they gave that qualification mutatis mutandis, I
8 think, Colonel. There isn't much harm in letting them
9 give the reasons for that. There may be no answer, of
10 course.

11 COLONEL MORNANE: With regard to the reasons
12 why they made the reservation, your Honor, it is sub-
13 mitted that their reasons are quite irrelevant. It is
14 for the Court to determine objectively the meaning of
15 these words used in written documents that have been
16 sent out to various governments in the early stages of
17 the war.

18 It is further contended that the intention
19 of Japan with respect to the treatment of prisoners of
20 war is not relevant either. Finally, with regard to
21 that paragraph, there is nothing in this affidavit
22 to show the witness is in any way qualified to say
23 what were or were not the intentions of the Japanese
24 Government.
25

THE PRESIDENT: He is the Director of the

1 Bureau of Treaties, and this is a treaty.

2 COLONEL MORNANE: With great respect, your
3 Honor: He was in the office of the Director of the
4 Bureau of Treaties.

5 THE PRESIDENT: That may be, but he was in
6 an office that should know what actuated them in doing
7 what they did.

8 You see, you tendered documents showing the
9 use of that Latin expression. They can certainly ex-
10 plain what they meant by it.

11 COLONEL MORNANE: With regard to the last
12 paragraph, if your Honor pleases --

13 THE PRESIDENT: Well, that is objectionable,
14 clearly.

15 COLONEL MORNANE: The objection is that they
16 are trying to limit the meaning of this term by lang-
17 uage at this time, whereas in actual fact had there
18 been any ambiguity about it you would have expected
19 them to have set it out in the various letters they
20 sent to the Swiss and other governments.

21 THE PRESIDENT: Obviously that phrase was not
22 used in its ordinary legal acceptation. In the context
23 in which it was used in the documents tendered by you
24 it meant something different from that.
25

COLONEL MORNANE: I quite agree, your Honor.

1 THE PRESIDENT: Here is an attempt to explain
2 it. At least part of that paragraph is devoted to that,
3 as I understand it.

4 COLONEL MORNANE: Does your Honor want me
5 to go on now with my objection to the last paragraph
6 of the affidavit?

7 THE PRESIDENT: That must be sustained.

8 By a majority the Court sustains the second
9 objection, that is, to the last paragraph, but over-
10 rules the first objection, and the document will be
11 admitted, with the exception of the last paragraph,
12 on the usual terms.

13 CLERK OF THE COURT: Defense document 1083
14 will receive exhibit No. 3039.

15 (Whereupon, the document above referred
16 to was marked defense exhibit 3039 and received
17 in evidence.)

18 MR. FREEMAN: I now read exhibit 3039 as
19 directed by the Court.

20 "Having first duly sworn on oath as on the
21 attached sheet, in accordance with the procedure pre-
22 vailing in my country, I hereby depose as follows:"

23 THE PRESIDENT: Omit those formal parts.

24 MR. FREEMAN (continuing reading): "1. I
25 entered the Foreign Ministry in the year 1921, and was

1 in the office of the Director of the Bureau of Trea-
2 ties from September, 1940, to October, 1942.

3 "After the outbreak of the Pacific War, mat-
4 ters concerning prisoners of war as well as civilians
5 held in the theater of operations were under the charge
6 and control of the Army or the Navy, while civilians
7 of the enemy countries interned in Japan proper were
8 under that of the Home Ministry and those in the over-
9 seas territories, such as Formosa, Korea and Saghalien,
10 under that of the Ministry of Overseas Affairs. In
11 this connection, the liaison business with foreign
12 countries, so far as it was transacted through the
13 Foreign Ministry, was carried out chiefly by the Bureau
14 of Treaties until 1 November 1942.

15 "2. When the war broke out, Foreign Minis-
16 ter TOGO frequently expressed to the officials of the
17 Foreign Ministry concerned his hope that civilian in-
18 ternees and prisoners of war might be treated with
19 humanity and lenience. Pointing out that the fate of
20 Japanese residents, amounting to several hundred
21 thousands, in the enemy countries would be affected by
22 the treatment by Japan of those prisoners of war and
23 civilian internees, he urged us to take whatever steps
24 might be possible for the realization of his hopes.
25 We transacted business in conformity with the Foreign

1 Minister's wishes in our daily contact with the com-
2 petent officials of the other Government offices con-
3 cerned.

4 "3. On 27 December 1941 the United States
5 Government addressed an inquiry through the Minister of
6 Switzerland to the Japanese Government concerning the
7 Treaty of 1929 for treatment of prisoners of war
8 (The Geneva Convention). The United States being a
9 signatory of the Convention, it inquired whether the
10 Japanese Government intended to abide by the Conven-
11 tion during the present war despite Japan's not having
12 ratified it (Exhibit 1468). With respect to the
13 treatment of prisoners of war, Japan had been a signa-
14 tory to the Hague Convention concerning the Laws and
15 Customs of War on Land, concluded in 1907. That Con-
16 vention has in its appendix seventeen stipulations
17 regarding prisoners of war, and the principles of
18 humanity are, moreover, stressed in its preamble. In
19 accordance with Foreign Minister TOGO's opinion that
20 our country should, out of humanitarianism, abide by
21 the Geneva Convention (which expressed in fullest de-
22 tail the stipulations of the Hague Convention) to the
23 maximum extent that circumstances permitted, I dis-
24 cussed the matter with UEMURA, Director of the Prisoners-
25 of-War Information Bureau, and other Army and Navy

1 officers concerned. As a result, the reply was made
2 to the United States Government on 29 January 1942
3 (Exhibit 1469), in accordance with the answer of the
4 War Ministry, which was in charge of the matter (Ex-
5 hibit 1958), to the effect that although Japan had not
6 ratified the Geneva Convention, and therefore was not
7 bound by it, Japan would apply the Convention mutatis
8 mutandis with respect to American prisoners of war
9 under Japanese control. In response to the same in-
10 quiry made by Great Britain through Argentine Charge
11 d'Affaires on 3 January of the same year (Exhibit 1494)
12 a similar reply was made on 29 January (Exhibit 1496).
13 As Great Britain proposed on 5 January 1942 through
14 the Argentine Charge d'affaires that national and
15 racial customs be taken into consideration, on a re-
16 ciprocal basis, with respect to the supplying of food
17 and clothing to prisoners of war (Exhibit 1495), the
18 Japanese Government expressed agreement to that pro-
19 posal also, in the same reply dated 29 January (Ex-
20 hibit 1496). As the United States Government subse-
21 quently made inquiry on this latter point (Exhibit
22 1492), a reply similar to that to Great Britain was
23 sent (Exhibit 1493).

25 "Japan had not ratified the Geneva Convention
by reason primarily of the relations between the pro-

visions of domestic law with those of the Convention;
1 and the problems growing from this inter-relation
2 would still have given rise to much difficulty in the
3 event of an undertaking to apply the Convention com-
4 pletely and unconditionally. Moreover, it was an-
5 ticipated that great difficulties in practice would
6 result, as large-scale warfare spread over East Asia,
7 if we were to apply strictly all the stipulations of
8 the Geneva Convention, which Japan had not ratified.
9 It was for these reasons that it was replied that the
10 stipulations of the Convention were to be applied
11 mutatis mutandis. It was the intention of Japan with
12 respect to the treatment of prisoners of war that the
13 stipulations of the Geneva Convention be applied so far
14 as circumstances permitted; in other words, unless
15 there were hindrances or obstacles which made its
16 application impracticable.

18 "It has to be noted that Japan did not at
19 that time formally ratify or join the Convention in
20 accordance with the provisions of Article 91 or Ar-
21 ticles 94 and 95 thereof. What the Japanese Govern-
22 ment did was only to communicate its intention in
23 response to the inquiries made by the Governments of
24 the United States and Great Britain, through the coun-
25 tries representing their interests in Japan respect-

1 ively; it did not take any of the domestic steps
2 necessary for ratifying or entering the Convention,
3 nor did it submit to the Government of Switzerland
4 its ratification or notification of entrance, in accor-
5 dance with the aforesaid provisions. For this reason
6 the Swiss Government never notified the member-nations
7 of the Convention of Japan's ratification of or entrance
8 into the Convention."

9 THE PRESIDENT: We will adjourn now until
10 half-past nine tomorrow morning.

11 (Whereupon, at 1600, an adjournment was
12 taken until Friday, 29 August, 1947, at 0930.)

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